

EXHIBIT 4

LORI LYNN HEETHUIS, 9-25-2020

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<p>UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>LORI LYNN HEETHUIS, Plaintiff, vs. Case No. 1:19-cv-00940 Hon. Paul L. Maloney COUNTY OF MUSKEGON; and, RYAN BOIKE, Individually, Defendants.</p> <p>VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF LORI LYNN HEETHUIS</p> <p>The Videoconference Deposition of LORI LYNN HEETHUIS, located in Grand Rapids, Michigan, was taken for the purpose of discovery in the above-entitled cause, remotely by Sharon Bayerl, (CSR-3406), a Notary Public in and for the County of Wayne, Michigan, (acting in Wayne County, Michigan), on Friday, September 25, 2020, commencing at 9:07 a.m.</p>	<p>1 APPEARANCES: 2 (All parties via videoconference) 3 4 STEPHEN R. DREW 5 Drew, Cooper & Anding 6 80 Ottawa Avenue, NW, Suite 200 7 Grand Rapids, Michigan 49503 8 616.454.8300 9 sdrew@dca-lawyers.com 10 Appearing on behalf of the Plaintiff. 11 12 LAURA S. AMTSBUECHLER 13 Rosati, Schultz, Joppich & Amtsbuechler, PC 14 27555 Executive Drive, Suite 250 15 Farmington Hills, Michigan 48331 16 248.489.4100 17 lamtsbuechler@rsjalaw.com 18 Appearing on behalf of the Defendants. 19 20 ALSO PRESENT: 21 Jodie C. Chapa, CLVS 22 Ryan Boike 23 Michael Poulin 24 25</p>
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<p>1 DEPOSITION EXHIBIT 34 265</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Grand Rapids, Michigan</p> <p>2 Friday, September 25, 2020</p> <p>3 9:07 a.m.</p> <p>4</p> <p>5 VIDEO TECHNICIAN: We are on the record at 9:07</p> <p>6 a.m. This is the video conference video recorded</p> <p>7 deposition of Lori Lynn Heethuis taken in the case of Lori</p> <p>8 Lynn Heethuis, Plaintiff, versus County of Muskegon and</p> <p>9 Ryan Boike, Individually, Defendants, United States</p> <p>10 District Court, Western District of Michigan, Southern</p> <p>11 Division, Case Number 119-cv-00940. Today's</p> <p>12 videoconference is held from 80 Ottawa Avenue Northwest,</p> <p>13 Suite 200, Grand Rapids, Michigan. Today's date is</p> <p>14 September 25, 2020. My name is Jodie C. Chapa, CLVS.</p> <p>15 Today's court reporter is Sharon Bayerl, CSR. Please read</p> <p>16 in your statement and swear in the witness.</p> <p>17 THE REPORTER: My name is Sharon Bayerl,</p> <p>18 certified stenographic reporter and notary public in the</p> <p>19 State of Michigan. This deposition is being held via</p> <p>20 videoconferencing equipment. The witness and reporter are</p> <p>21 not in the same room. The parties and their counsel</p> <p>22 consent to this arrangement and waive any objections to</p> <p>23 this manner of reporting. Please indicate your agreement</p> <p>24 by stating your name and your agreement on the record and</p> <p>25 please announce anyone in the room with you.</p>
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<p>1 MR. DREW: This is Steven Drew, attorney for</p> <p>2 Lori Heethuis, the plaintiff. We agree to that procedure.</p> <p>3 No one is in the room with Lori, and I am in a separate</p> <p>4 room due to, we had an echoing problem, and no one is in</p> <p>5 the room with me.</p> <p>6 MS. AMTSBUECHLER: This is Laura Amtsbuechler,</p> <p>7 attorney for defendants. I am alone in my office. Also</p> <p>8 appearing are defendant Ryan Boike and the sheriff, as</p> <p>9 representative of the county. I understand they are also</p> <p>10 alone each in their separate locations.</p> <p>11 MR. DREW: Can they verify that?</p> <p>12 MS. AMTSBUECHLER: That's fine.</p> <p>13 Jodie, can you unmute Ryan so that he can verify</p> <p>14 he's alone? Ryan, can you hear?</p> <p>15 MR. BOIKE: Yes, ma'am, I am alone.</p> <p>16 MS. AMTSBUECHLER: Okay. Thank you.</p> <p>17 MR. POULIN: And Sheriff Poulin is alone also.</p> <p>18 MS. AMTSBUECHLER: Okay. Jody, can you make</p> <p>19 sure they are muted again?</p> <p>20 THE VIDEOGRAPHER: Yes. Would you administer</p> <p>21 the oath?</p> <p>22 THE REPORTER: Yes. Could you please raise your</p> <p>23 right hand?</p> <p>24 Do you solemnly state that the testimony you are</p> <p>25 about to give in this cause now pending will be the truth,</p>	<p>1 the whole truth, and nothing but the truth, so help you</p> <p>2 God?</p> <p>3 THE WITNESS: I do.</p> <p>4 THE REPORTER: Thank you.</p> <p>5 LORI LYNN HEETHUIS</p> <p>6 was thereupon called as a witness herein, and</p> <p>7 after having first been duly sworn to testify to the</p> <p>8 truth, the whole truth and nothing but the truth, was</p> <p>9 examined and testified as follows:</p> <p>10 MS. AMTSBUECHLER: This is the deposition, as</p> <p>11 has been explained, of Ms. Heethuis taken pursuant to</p> <p>12 notice to be used for all purposes under the court rules.</p> <p>13 EXAMINATION</p> <p>14 BY MS. AMTSBUECHLER:</p> <p>15 Q. Ms. Heethuis, my name is Laura Amtsbuechler. I am the</p> <p>16 attorney for Deputy Boike and for the county. As you have</p> <p>17 heard, Sheriff Poulin is also present at this deposition.</p> <p>18 Today is my opportunity to ask you questions regarding</p> <p>19 your knowledge of the facts and circumstances surrounding</p> <p>20 your lawsuit.</p> <p>21 A. Yes.</p> <p>22 Q. Yes. Are you able to proceed today?</p> <p>23 A. Yes.</p> <p>24 Q. Is there any reason why you are not physically or mentally</p> <p>25 able to fully and accurately and completely answer the</p>

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1 questions that I ask of you today?

2 **A. None that I'm aware of.**

3 Q. Okay. Are you on any medication today?

4 **A. Yes, I am.**

5 Q. What medication?

6 **A. Vyvanse 70 milligram.**

7 Q. I'm sorry, what did you just say?

8 **A. I'm sorry. Vyvanse, V-A-V-A-N-C-E [sic], I believe, 70**

9 **milligram.**

10 Q. Okay. What else?

11 **A. Just a Colace pill and a Zyrtec 10 milligram for my**

12 **allergies.**

13 Q. What was the second thing you said, a Colace pill?

14 **A. Colace.**

15 Q. Colace, okay.

16 **A. It's to help go to the bathroom.**

17 Q. For some reason, I don't know, there might be an echo.

18 Hopefully we will be okay as we proceed, but if we have

19 trouble, we will have to readjust.

20 **A. Okay.**

21 Q. Vyvanse, what is that for?

22 **A. Vyvanse is for my -- to help control my PTSD. It's to**

23 **help with anxiety, a little ADHD, that's about it.**

24 Q. Okay. Have you taken any other medication besides what

25 you have just listed in the past three days?

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1 **A. No, other than my night meds.**

2 Q. What are your night meds?

3 **A. Seroquel, I was just changed from amitriptyline to**

4 **Seroquel 100 milligrams, and 2 milligrams of Ativan.**

5 Q. So you took the Ativan and the Seroquel last night?

6 **A. Yes.**

7 Q. What time?

8 **A. 9:00, about 9:45 approximately.**

9 Q. Okay. So in your mind -- you don't believe that those

10 impact in any way your ability to testify today?

11 **A. No.**

12 Q. Have you ever testified in a deposition before?

13 **A. Yes, I have.**

14 Q. When?

15 **A. Late 2016.**

16 Q. Was that the ACLU case?

17 **A. Yes.**

18 Q. Any other time?

19 **A. No. I have given testimony, but not a deposition that I**

20 **can recall.**

21 Q. Testimony in court?

22 **A. Yes.**

23 Q. Was that related to your job as a corrections officer?

24 **A. Yes, it was.**

25 Q. When was that?

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1 **A. 2000 -- actually I don't recall the dates at this time,**

2 **but one was Robert Johnson case, and the other one was a**

3 **Rapp case. I believe Rapp was in 2000 -- early 2017.**

4 Q. You said rat, R-A-T?

5 **A. Rapp, R-A-P-P, Rapp.**

6 Q. Okay. What does that stand for?

7 **A. That's his last name.**

8 Q. Okay. Was he a prisoner?

9 **A. Yes, he was.**

10 Q. Was Robert Johnson a prisoner?

11 **A. Yes.**

12 Q. So your testimony on those was related to your job?

13 **A. Yes, it was.**

14 Q. When did you get married to Damon?

15 **A. I married Damon February 20th of 2016.**

16 Q. How did you meet him?

17 **A. I met him in my mother's apartment.**

18 Q. How did that come to be?

19 **A. I had went there for dinner. My mother had made dinner**

20 **and asked me over. He had stopped in to see if she needed**

21 **any garbage taken out to the dumpster in the apartment**

22 **complex, and that's how we met.**

23 Q. Is he a neighbor of hers?

24 **A. He was, yes.**

25 Q. What is his occupation?

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1 **A. He is retired.**

2 Q. From what?

3 **A. He worked at Bennett Pump Company as -- he did several**

4 **jobs within there, mainly calibrating machines.**

5 Q. When did he retire?

6 **A. Approximately 28 years ago.**

7 Q. Okay. I just got a message from the videographer that she

8 thought perhaps you were trying to talk loudly, and that

9 may be what is causing the echo.

10 **A. Oh.**

11 Q. So you don't have to talk loud. You can talk normal, and

12 it will come --

13 **A. Okay.**

14 Q. Just so you know, if we can't hear you, we will let you

15 know. That might make it a little more clear. Okay?

16 **A. Okay. That sounds good.**

17 Q. Yeah, you sound better now. I think you probably thought

18 you had to talk louder, and you really don't.

19 **A. Okay.**

20 Q. So you changed -- Damon -- you changed your name to

21 Heethuis in 2016?

22 **A. Heethuis, yes.**

23 Q. Before that you were Lori Johnson?

24 **A. Yes.**

25 Q. And before that you had another name, correct?

3 (Pages 9 to 12)

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1 A. Yes.
 2 Q. Abraham, was that it?
 3 A. Abraham, yes.
 4 Q. Okay. Did you marry someone named Johnson?
 5 A. No, that's my maiden name.
 6 Q. Okay. How did you change from Abraham to Johnson? That's
 7 where I am having a disconnect to.
 8 A. We had no children in common or anything, so when I
 9 divorced Abraham, then I asked the judge if I could take
 10 back my maiden name of Johnson, and they agreed.
 11 Q. Okay. I made the assumption it was the other way around.
 12 A. Uh-huh.
 13 Q. You married Johnson and divorced Johnson?
 14 A. Yeah.
 15 Q. I mean Abraham. Sorry.
 16 A. Yes.
 17 Q. When, what were the dates, please?
 18 A. I married Mike Abraham in October of 2000, and I divorced
 19 him in February of 2006, I believe, to the best of my
 20 recall.
 21 Q. All right. Have you had any other marriages?
 22 A. No.
 23 Q. Okay. One of the things I should have done before I
 24 launched into this was talk a little bit about some of the
 25 background -- some of the deposition rules. I'm assuming

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1 that you talked to your attorney to prepare, and I'm not
 2 going to ask you about that, but what did you do to
 3 prepare other than perhaps meeting with your attorney?
 4 A. I went over some of my deposition. I went over my -- some
 5 of my interrogatory questions, and just the prepping, and
 6 that was it.
 7 Q. Have you looked at any of the documents that I have
 8 indicated to your attorney would be premarked as exhibits?
 9 A. He did show me an exhibit of the third floor office in the
 10 jail.
 11 Q. Okay. Anything else that you looked at that was premarked
 12 as an exhibit?
 13 A. No.
 14 Q. Okay. So as we go through this today, we will -- it's
 15 going to be a long day, and if I believe that you are not
 16 really understanding or answering the question I'm asking,
 17 I may interrupt, but hopefully that won't have to happen.
 18 It seems that you are -- you have been -- you know what
 19 you are doing here, but you need to answer with a yes or a
 20 no rather than an uh-huh or an uh-hun, and if you do an
 21 uh-huh or an uh-hun, and I interrupt you and say is that a
 22 yes or a no, it's not to suggest that you answer one way
 23 or another, it's simply to ask you to clarify. Okay?
 24 A. Yes, I understand.
 25 Q. All right. And we will take breaks from time to time. If

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1 you need a break, please let us know, and we will do that.
 2 By no means is this a marathon where you are expected to
 3 struggle through if you are uncomfortable.
 4 If you don't understand what I am asking you,
 5 let me know, and I will rephrase the question for you. I
 6 want to make sure that when we leave here today, it's
 7 clear that we are on the same page. What I don't want to
 8 have happen is we leave and I say, you know, she didn't
 9 understand me or you say, gee, I really didn't understand
 10 that and I didn't really mean that answer. Okay?
 11 A. I understand.
 12 Q. If you answer, I'm going to assume that you understood or
 13 at least that you think you understand. Okay?
 14 A. Yes.
 15 Q. All right. You were hired in 1998 as a corrections
 16 officer; is that right?
 17 A. Yes.
 18 Q. And you were never certified for road, were you?
 19 A. No.
 20 Q. You are not a sworn police officer?
 21 A. No.
 22 Q. What did you have to do to become a corrections officer?
 23 A. I had to have an associates degree with 30 hours of
 24 criminal justice, and then when I hired in they sent us,
 25 the new deputies, to Corrections Academy up in Newago

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1 County Jail.
 2 Q. As part of your training, did you receive copies of the
 3 General Orders?
 4 A. I'm not exactly sure when you are speaking of General
 5 Orders. Was it during training?
 6 Q. When you started, let me clarify, with the sheriff's
 7 department, did you receive copies of the General Orders
 8 as they existed at that time?
 9 A. At that time, yes.
 10 Q. And did you understand at that time that it was your
 11 responsibility to understand and keep track of those
 12 General Orders?
 13 A. In 1998, yes, I did.
 14 Q. And did those change during the course of your years with
 15 the department?
 16 A. Yes, it did.
 17 Q. So from time to time, would it be accurate to state that
 18 from time to time you would receive updates to those
 19 General Orders?
 20 A. After they were changed, I -- at the time it was Captain
 21 Poulin, we did get a few updates, yes.
 22 Q. How did you receive notice that there were changes or
 23 updates to the General Orders?
 24 A. At times the command staff would make sure that we had
 25 them in the morning, and we would sign off for them. At

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1 other times they were noted by e-mail.

2 Q. And you always -- would it be accurate to state that you
3 always understood that it was your responsibility to
4 understand and follow the General Orders that were in
5 place?

6 A. Yes.

7 Q. As a corrections officer, would you agree that as a
8 corrections officer in dealing with inmates and people
9 that were in the jail that some of those General Orders
10 were in place to protect the safety of you and your
11 coworkers?

12 A. At times, yes.

13 MARKED FOR IDENTIFICATION:

14 DEPOSITION EXHIBIT 1

15 9:23 a.m.

16 BY MS. AMTSBUECHLER:

17 Q. I'm going to show you what I have marked as Exhibit Number
18 1. Let me see if I can get this right.

19 A. Okay.

20 Q. It's not coming up on my screen. It should be sharing up
21 on my -- okay. Why is this not working? Oh, you know
22 what? Here we go. Bear with me a minute.

23 A. No problem.

24 Q. Okay. Exhibit Number 1, can you see that?

25 A. Yes, I can.

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1 Q. That's General Order 3.01, which was Bates stamped in
2 discovery page 650-D, okay, and this pertains to
3 discrimination. The effective date on the copy I have
4 here is 5-1-2017. Have you ever seen that before?

5 A. I have, yes.

6 Q. When did you first see any General Order at the sheriff's
7 department or from the sheriff pertaining to
8 discrimination, whether it was this one or some other one?

9 A. I believe a General Order would have been this one, if I'm
10 correct. From what I can recall, it was this one.

11 Q. So is it your testimony that you do not recall a General
12 Order regarding discrimination in existence prior to this
13 one?

14 A. I -- I did, but I never had a direct General Order like
15 this, but we were made aware of that earlier in the career
16 most definitely.

17 Q. What were you made aware of earlier in the career?

18 A. That there was a no discrimination, no harassment,
19 retaliation, just a generalized thing of what this -- that
20 you have in front of me is.

21 Q. How did you become aware of it earlier in your career?

22 A. I believe that it was given out to the union reps, and
23 then it was disbursed, and I know that verbally I had
24 gotten the information from a couple of the command
25 officers as well.

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1 Q. When -- you said earlier in your career you became aware
2 that discrimination, harassment, and retaliation were
3 prohibited. When was that?

4 A. Probably shortly after I hired in, and then not
5 frequently, but throughout.

6 Q. Did you understand when you first started, when you first
7 became aware of this, did you understand what you should
8 do if you believed that there was discrimination,
9 harassment, or retaliation?

10 A. Yes.

11 Q. What was your understanding regarding what you should do?

12 A. My understanding was to go to your direct command officer,
13 and if nothing was done at that level, to go to the -- go
14 through the chain of command.

15 Q. Were you aware that you could also go to the county?

16 A. No.

17 Q. Okay. Did you -- this Exhibit 1, the 2017 policy, did you
18 read that policy when you were working at the department?

19 A. I probably did read that, yes. I don't really recall 2017
20 of actually sitting down reading it, but...

21 Q. So in -- on section F of this policy, there is a section
22 regarding reporting. Do you see that on here?

23 A. Yes, F.

24 Q. And it says to report it either in writing or in person to
25 the Commanding Officer, Captain or Jail Administrator.

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1 Was that your understanding of one of your options?

2 A. Yes.

3 MARKED FOR IDENTIFICATION:

4 DEPOSITION EXHIBIT 2

5 9:28 a.m.

6 BY MS. AMTSBUECHLER:

7 Q. I'm showing you what we are marking as Deposition Exhibit
8 Number 2, the County of Muskegon Anti-Harassment Policy,
9 Bates stamp 651-D through 652-D. Do you recall seeing
10 that when you were working at the county? If you need me
11 to scroll it down, I will. Just let me know when.

12 A. Yes, if you could scroll it down, please.

13 Q. Just tell me when to move it.

14 A. If you could move it just a little bit more, please.

15 Thank you. A little bit more, please. A little bit more,
16 please.

17 At this time I don't recall reading this one or
18 seeing this one.

19 Q. When you said you don't recall, does that mean that it's
20 possible you did, but you just don't recall?

21 A. Yes.

22 Q. Okay. Now, there is a Complaint Procedure that is on the
23 screen now, which is part of this. Were you ever aware of
24 that Complaint Procedure?

25 A. No. I was told that we should go through the chain of

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1 command, and then at that point then go to the -- if you
 2 were told to, which I was, to go to the EEO.
 3 Q. So at some point you were told to go to the EEO?
 4 A. Yes, I was instructed to go to the EEO.
 5 Q. And by the EEO, you mean the county's EEO office?
 6 A. Yes, the officer, yes, EEO office.
 7 Q. Which is separate from the EEOC, which is part of the
 8 Federal Government, correct?
 9 A. I'm not sure.
 10 MARKED FOR IDENTIFICATION:
 11 DEPOSITION EXHIBIT 3
 12 9:32 a.m.
 13 BY MS. AMTSBUECHLER:
 14 Q. Okay. Fair enough. Let's go next to -- let's see, this
 15 screen sharing -- what I marked as Exhibit Number 3, which
 16 is the County of Muskegon Anti-Retaliation Policy, Bates
 17 stamp 653-D through 654-D. Did you ever see that during
 18 the time you were working at the sheriff's office?
 19 A. Could you scroll it just a little bit, please? A little
 20 bit more, please. I recall seeing several different forms
 21 throughout my employment. This could be one that I did
 22 see. I am just not recalling which one it is or when this
 23 one was written.
 24 Q. Were you ever aware that you could report to anyone if you
 25 believed you were being retaliated against?

Page 22

1 A. My understanding of it was that you had to go through the
 2 chain of command, that you had to go through your sergeant
 3 first, and then lieutenant, and then the captain, or
 4 multiple sergeants, there were several sergeants you could
 5 go to.
 6 Q. So you said you believe you needed to go through the chain
 7 of command to report harassment or retaliation. Who told
 8 you that?
 9 A. I can't really recall. It was discussed with the
 10 coworkers. It was discussed with a few command staff.
 11 Q. Where did you get the idea you had to go through the chain
 12 of command?
 13 A. From a command officer.
 14 Q. Who?
 15 A. I believe it was -- it was either -- I can't really
 16 recall, but I know Wood and I talked about it, Sergeant
 17 Wood. I also had talked about it with Lieutenant Burns.
 18 Q. Anybody else?
 19 A. Not that I'm recalling.
 20 Q. When did you talk with Wood about it?
 21 A. Sergeant Wood, in 2014, I believe, approximately.
 22 Q. When did you talk with Burns about it?
 23 A. I know it was sometime in 2014. I really don't recall.
 24 We did talk about it again after that.
 25 Q. The first time you talked with anyone about your

Page 23

1 obligation to go through the chain of command was in 2014?
 2 A. 2014 was the second time. I was in -- sometime in 2009, I
 3 was directed to go to the EEO, and after talking to
 4 several levels of command, so no, 2014 would have been a
 5 second time.
 6 Q. Okay. Well, we will get back to all that. I think I have
 7 digressed off the issue of who told you you had to use the
 8 chain of command. So your testimony, if I heard you
 9 right, was that Wood and Burns told you you needed to go
 10 through the chain of command, correct?
 11 A. From what I can recall of that, yes.
 12 MARKED FOR IDENTIFICATION:
 13 DEPOSITION EXHIBIT 4
 14 9:37 a.m.
 15 BY MS. AMTSBUECHLER:
 16 Q. I've put up on the screen what I marked as Exhibit Number
 17 4, Bates stamp page 16-D. Is that your signature?
 18 A. Yes.
 19 Q. And it's dated 2-14-18, and it states that you had amended
 20 the EEO training and been a made aware of the
 21 Anti-Harassment and Anti-Retaliation Policies. Did you
 22 read this before you signed it?
 23 A. Kristen Wade did a ten-minute presentation and said we
 24 just need you to sign this stating I was here and did the
 25 presentation.

Page 24

1 Q. Well, that really wasn't my question. That's part of what
 2 I was --
 3 A. Sorry.
 4 Q. Did you read this document before you signed it?
 5 A. Yes.
 6 Q. Okay. So you understood that you were attesting to the
 7 fact that you had attended the training, that you
 8 understood the policies were on the intranet page, and
 9 that you understood the city has zero tolerance for
 10 harassment, correct?
 11 A. Yes.
 12 Q. Now, you said the training was done by Kristen Wade; is
 13 that your testimony?
 14 A. That -- it's fuzzy because of the dates, because there
 15 were several of these over the years, but that is what
 16 I -- what I can recall. I shouldn't say that I know. I
 17 don't know for a fact, but I -- from what I can recall, it
 18 was Kristin.
 19 Q. There were several of what over the years?
 20 A. These little harassment things came out.
 21 Q. Was there several training classes?
 22 A. Not that I'm aware of. I can't recall.
 23 Q. How many trainings do you recall attending?
 24 A. Hers was the only one that I recall actually having
 25 someone speak about it.

6 (Pages 21 to 24)

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<p style="text-align: right;">Page 25</p> <p>1 Q. Do you recall going to a training where there was a</p> <p>2 PowerPoint presentation?</p> <p>3 A. Could you tell me what year?</p> <p>4 Q. I'm asking you if you recall going to one. Either you</p> <p>5 recall or you don't.</p> <p>6 A. I don't recall.</p> <p>7 Q. Okay. Do you recall anybody from the EEO, as opposed to</p> <p>8 Kristin Wade at human resources, putting on any training</p> <p>9 that you attended?</p> <p>10 A. I don't recall.</p> <p>11 Q. Okay. On the screen now is, let's see, General Order 1.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 MARKED FOR IDENTIFICATION:</p> <p>15 DEPOSITION EXHIBIT 5</p> <p>16 9:40 a.m.</p> <p>17 BY MS. AMTSBUECHLER:</p> <p>18 Q. I'm marking that as Exhibit Number 5 for the deposition.</p> <p>19 It's Bates stamp page 618 through 620-D. Are you familiar</p> <p>20 with that General Order?</p> <p>21 A. Can you move it down a little bit, please?</p> <p>22 Q. All right. Do you need to read the General Order to know</p> <p>23 whether or not you are familiar with the General Order,</p> <p>24 Standard of Conduct?</p> <p>25 A. I do, but -- I do, but it has been over almost two years</p>	<p style="text-align: right;">Page 26</p> <p>1 now, so...</p> <p>2 Q. All right. Let me ask you -- let me ask you a different</p> <p>3 question. When you were working at the department, were</p> <p>4 you aware that there was a General Order pertaining to</p> <p>5 Standard of Conduct?</p> <p>6 A. Yes.</p> <p>7 Q. Were you aware that you had to abide by that?</p> <p>8 A. Yes.</p> <p>9 Q. Were you aware that failure to abide by that could result</p> <p>10 in discipline?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And I have marked as Exhibit 5 General Order Number</p> <p>13 1, which is Standard of Conduct. Do you need to see any</p> <p>14 of it now since you have been away for two years?</p> <p>15 A. I do -- I did understand it at that time.</p> <p>16 Q. Okay. Let me go to section -- there is a section up here,</p> <p>17 Conduct Affecting Departmental Reputation. Were you aware</p> <p>18 of that when you were there?</p> <p>19 A. I think those were made when Captain Poulin was put on</p> <p>20 nights, and they asked him to redo all the policies.</p> <p>21 Q. So you were aware of that when you were working at the</p> <p>22 department?</p> <p>23 A. I was aware of, yes.</p> <p>24 Q. Did you understand why this section, Conduct Affecting</p> <p>25 Departmental Reputation was there, did you understand the</p>
<p style="text-align: right;">Page 27</p> <p>1 purpose of it?</p> <p>2 A. I understood that we should uphold the department and act</p> <p>3 in its best interest, yes.</p> <p>4 Q. Okay. And it says in the last, second to last sentence</p> <p>5 the conduct of a public employee on and off duty reflects</p> <p>6 upon the department. Next sentence, therefore, employees</p> <p>7 must avoid conduct which might discredit themselves or the</p> <p>8 good name of the department.</p> <p>9 A. Yes.</p> <p>10 Q. Do you disagree with that?</p> <p>11 A. Do I disagree with that?</p> <p>12 Q. Yeah.</p> <p>13 A. No. You would have to do your best. I mean nobody is</p> <p>14 perfect to that, but we try our best to do that.</p> <p>15 Q. There is a section on Courtesy. Were you aware that that</p> <p>16 existed?</p> <p>17 A. Yes.</p> <p>18 Q. Did you understand the reason for that?</p> <p>19 A. Yes.</p> <p>20 Q. What was the reason?</p> <p>21 A. That you should be courtesy -- courteous to everyone.</p> <p>22 Q. And anything else that you understood to be the reason for</p> <p>23 that?</p> <p>24 A. Just that that's the way human beings should be toward</p> <p>25 each other, whether you are in corrections or anywhere,</p>	<p style="text-align: right;">Page 28</p> <p>1 it's just be courteous.</p> <p>2 Q. Did you understand that as a representative of the office</p> <p>3 of the sheriffs that it was important that you be</p> <p>4 courteous to the residents, citizens that you came into</p> <p>5 contact with?</p> <p>6 A. Yes.</p> <p>7 Q. Attention to Duty, were you aware that that existed?</p> <p>8 A. Actually I did not know that. I must have not saw that</p> <p>9 from my recollection. I did not know at the time. I did</p> <p>10 find out later what it was.</p> <p>11 Q. You did not know at what time?</p> <p>12 A. In the past, prior to --</p> <p>13 Q. I don't want to interrupt you. You stopped talking.</p> <p>14 A. Oh, I'm sorry. I thought you were going to say something.</p> <p>15 I'm sorry.</p> <p>16 Q. No. I asked you, you did not know -- what time is it that</p> <p>17 you said you did not know, and you said in the past,</p> <p>18 prior. When was that?</p> <p>19 A. Prior to Captain Poulin redoing the policies, I had never</p> <p>20 heard of that particular policy that I can recall.</p> <p>21 Q. When are you -- when do you believe Captain Poulin redid</p> <p>22 the policies?</p> <p>23 A. When the sheriff put him on nights.</p> <p>24 Q. When was that?</p> <p>25 A. I don't recall.</p>

7 (Pages 25 to 28)

LORI LYNN HEETHUIS, 9-25-2020

<p style="text-align: right;">Page 29</p> <p>1 Q. You are saying Sheriff Roesler?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. This policy is dated May 1, 2017. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Are you saying that this Standard of Conduct policy</p> <p>6 never existed prior to that date or do you just not</p> <p>7 recall?</p> <p>8 A. No, I know that he had made some changes to different</p> <p>9 things, different policies and so forth, so I don't recall</p> <p>10 that one. I'm not saying I didn't read it. I just don't</p> <p>11 recall at this point.</p> <p>12 Q. Okay. Regardless of a policy, did you understand that as</p> <p>13 a corrections officer dealing with criminals in the jail</p> <p>14 that it was important that you be attentive to your duties</p> <p>15 and your surroundings?</p> <p>16 A. Yes.</p> <p>17 Q. Showing you Exhibit Number -- wait a minute. I think I'm</p> <p>18 off on an exhibit number. Hold on.</p> <p>19 A. No problem.</p> <p>20 MARKED FOR IDENTIFICATION:</p> <p>21 DEPOSITION EXHIBIT 6</p> <p>22 9:46 a.m.</p> <p>23 BY MS. AMTSBUECHLER:</p> <p>24 Q. That is not what I wanted. I want this one, General Order</p> <p>25 Number 2.01, Rules and Regulations, Exhibit Number 6,</p>	<p style="text-align: right;">Page 30</p> <p>1 Bates stamp page 630-D through 638-D. Were you aware that</p> <p>2 there were Rules and Regulations?</p> <p>3 A. Yes.</p> <p>4 Q. This is effective date 5-1-2017. Were you aware of Rules</p> <p>5 and Regulations prior to that date?</p> <p>6 A. Yes.</p> <p>7 Q. And in the Rules and Regulations, there is another 2.01.5</p> <p>8 regarding Courtesy. Were you aware that that was in the</p> <p>9 Rules and Regulations?</p> <p>10 A. Yes, in all the Rules and Regulations from the time I</p> <p>11 started courtesy was one of the portions of the policy of</p> <p>12 conduct and so forth.</p> <p>13 Q. All right. 2.01.8, Inattention to Duty, were you aware</p> <p>14 that that was one of the Rules and Regulations?</p> <p>15 A. I was not aware of the actual name Inattention of Duty,</p> <p>16 but within it I understood it.</p> <p>17 Q. Okay. I'm not quite sure I understand what you are</p> <p>18 saying. Are you saying that you weren't aware that there</p> <p>19 was a rule and regulation pertaining to inattention to</p> <p>20 duty?</p> <p>21 A. No, I never really had heard it called Inattention to</p> <p>22 Duty. I probably at some point saw it. It was just that</p> <p>23 the Rules and Regulations, when they were redone, were in</p> <p>24 the computer, and sometimes it was hard to get to that to</p> <p>25 actually read absolutely everything while you were doing</p>
<p style="text-align: right;">Page 31</p> <p>1 your duties of the day.</p> <p>2 Q. Is it your testimony that you had never read this 2017</p> <p>3 version of the Rules and Regulations?</p> <p>4 A. That is incorrect. I had read parts of it and probably</p> <p>5 all of it. I'm just saying it was a little difficult</p> <p>6 because we didn't have it in a paper form. We had to go</p> <p>7 into the computer, into another portion of the computer to</p> <p>8 get to that, and most of the time it was so busy on the</p> <p>9 floor that it wasn't like we had a downtime of an hour to</p> <p>10 go back in and read absolutely everything in it. So at</p> <p>11 some point I'm sure I got through all of it, but it was --</p> <p>12 just made it a little more difficult.</p> <p>13 Q. When did you think you finally got through all of it?</p> <p>14 A. I don't recall.</p> <p>15 Q. Had you gotten through all of it by 2018?</p> <p>16 A. I really don't recall. Like I said, we go back and forth</p> <p>17 to it, so I can't tell you where I started it, where I</p> <p>18 stopped it. I'm sure that I got through most of it. I</p> <p>19 can't say all of it at this point in time because I don't</p> <p>20 recall.</p> <p>21 Q. Did you print out -- why didn't you print off a copy for</p> <p>22 yourself?</p> <p>23 A. They told us we couldn't print it out, that it would cause</p> <p>24 it to stop updating.</p> <p>25 Q. Did you ever tell anybody that you didn't know the rules</p>	<p style="text-align: right;">Page 32</p> <p>1 because you didn't have time to read them?</p> <p>2 A. I did know the majority of the rules.</p> <p>3 MR. DREW: Well, wait a minute. I object to the</p> <p>4 form of the question. That mischaracterizes her earlier</p> <p>5 testimony.</p> <p>6 MS. AMTSBUECHLER: That's fine.</p> <p>7 BY MS. AMTSBUECHLER:</p> <p>8 Q. Did you tell anybody --</p> <p>9 MR. DREW: If you want me to (inaudible) -- I</p> <p>10 will.</p> <p>11 (Speaking simultaneously).</p> <p>12 BY MS. AMTSBUECHLER:</p> <p>13 Q. My question stands. I will take an answer. Did you ever</p> <p>14 tell anybody that you didn't know the rules because you</p> <p>15 didn't have time to read them?</p> <p>16 MR. DREW: Same objection.</p> <p>17 A. I don't recall. I believe I had talked to a couple of the</p> <p>18 union reps, but I don't truly recall.</p> <p>19 BY MS. AMTSBUECHLER:</p> <p>20 Q. You understood it was your obligation to know the rules?</p> <p>21 A. I understood it was my obligation to do my job to the best</p> <p>22 of my ability and keep everyone safe and keep --</p> <p>23 Q. Okay. My question is did you --</p> <p>24 MR. DREW: Wait, wait. Don't interrupt her,</p> <p>25 Counsel.</p>

8 (Pages 29 to 32)

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<p style="text-align: right;">Page 33</p> <p>1 MS. AMTSBUECHLER: I'm going to interrupt her</p> <p>2 because it's a yes --</p> <p>3 MR. DREW: She was answering your --</p> <p>4 MS. AMTSBUECHLER: No, she wasn't.</p> <p>5 MR. DREW: She was answering your question. Let</p> <p>6 her finish the answer --</p> <p>7 MS. AMTSBUECHLER: No, she wasn't.</p> <p>8 MR. DREW: -- and then if you don't think she</p> <p>9 answered it right, then you can ask her another question.</p> <p>10 MS. AMTSBUECHLER: Okay. We have a limited</p> <p>11 amount of time for this deposition today. It's a yes or</p> <p>12 no question.</p> <p>13 MR. DREW: It was not.</p> <p>14 MS. AMTSBUECHLER: Can you read the question</p> <p>15 back, please, Sharon?</p> <p>16 (The following record was read by the reporter</p> <p>17 At 9:51 a.m.:</p> <p>18 "QUESTION: You understood it was your</p> <p>19 obligation to know the rules.")</p> <p>20 BY MS. AMTSBUECHLER:</p> <p>21 Q. Yes or no, did understand it was your obligation to know</p> <p>22 the rules?</p> <p>23 MR. DREW: Same objection.</p> <p>24 A. Yes, as I understood them.</p> <p>25 BY MS. AMTSBUECHLER:</p>	<p style="text-align: right;">Page 34</p> <p>1 Q. Section 2.01.11, did you understand that it was a</p> <p>2 requirement in the rules that you be truthful?</p> <p>3 A. Yes.</p> <p>4 Q. Do you understand that pertained in your statements to</p> <p>5 your command?</p> <p>6 A. Yes.</p> <p>7 Q. Did you understand that pertained to your statements to</p> <p>8 your coworkers?</p> <p>9 A. Yes.</p> <p>10 Q. Did you also understand that that pertained to your</p> <p>11 statements in your logs?</p> <p>12 A. In my logs?</p> <p>13 Q. Your daily entries.</p> <p>14 A. Yes. To what -- to the best of my knowledge, yes.</p> <p>15 MARKED FOR IDENTIFICATION:</p> <p>16 DEPOSITION EXHIBIT 7</p> <p>17 9:52 a.m.</p> <p>18 BY MS. AMTSBUECHLER:</p> <p>19 Q. Okay. I am going to now go to Exhibit Number 7, General</p> <p>20 Order 1.14, Duties and Responsibilities of a Corrections</p> <p>21 officer. This has got an effective date of January 17,</p> <p>22 '19. I don't know -- I don't have the policy as it</p> <p>23 existed prior to that date. So let me ask you this.</p> <p>24 First of all, did you see this version of it, effective</p> <p>25 January 17, 2019?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Yes.</p> <p>2 Q. How is it that you came to see this version of the policy?</p> <p>3 A. I believe, or I recall, to the best of my knowledge, that</p> <p>4 it was an e-mail sent.</p> <p>5 Q. By who?</p> <p>6 A. By the command.</p> <p>7 Q. Telling you this is a new revised policy and to read it?</p> <p>8 A. Yes, that is what I recall.</p> <p>9 Q. And this has a review date of January 16, '19. I don't</p> <p>10 know what that means to us, but did you know there was a</p> <p>11 policy that existed prior to this January 17, 2019 date</p> <p>12 that defined your duties and responsibilities?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ever -- well, let me rephrase the question.</p> <p>15 Going to section L, it states -- well, let me back up.</p> <p>16 Policy states: Quote, "All corrections staff to (to</p> <p>17 include command and all deputies) are responsible for the</p> <p>18 well being of all prisoners and staff, and maintaining</p> <p>19 security and orderliness of the jail facility" period, end</p> <p>20 quote.</p> <p>21 Were you aware that that was part of your duties</p> <p>22 even prior to this January '19 policy?</p> <p>23 A. Yes.</p> <p>24 Q. And then it states Master Control operations include all</p> <p>25 of the first floor of Muskegon County Jail with the</p>	<p style="text-align: right;">Page 36</p> <p>1 exception of Booking and Inmate. Were you a Master</p> <p>2 Control operation deputy?</p> <p>3 A. Yes, I was.</p> <p>4 Q. And under that, Section L, it states quote, "Any personal</p> <p>5 electronic devices, reading material, books, magazines,</p> <p>6 newspapers, bottles, civilian clothing or non-work related</p> <p>7 property that interferes with job performance or can be</p> <p>8 viewed by the general public shall not be allowed" period,</p> <p>9 end quote.</p> <p>10 Were you aware of that provision existing during</p> <p>11 the time that you were working at the sheriff's office?</p> <p>12 A. I was, but these -- this type of number L was very loosely</p> <p>13 done by other deputies, as well as probably all of us. I</p> <p>14 mean whether they were command or whether they were</p> <p>15 workers, it wasn't -- it's not a cut and dry part of the</p> <p>16 policy, I guess.</p> <p>17 Q. So my question was only whether you were aware that this</p> <p>18 policy existed, and your answer to that is yes, right?</p> <p>19 A. Not in the detail of how. So I knew.</p> <p>20 Q. What did you know?</p> <p>21 A. I knew that they didn't, you know, want anything that</p> <p>22 civilians could see and that, you know, keep stuff on the</p> <p>23 down low, and if you have got it, if you have got a</p> <p>24 magazine in there, if you have got materials, if you have</p> <p>25 got books, electronic devices, to just keep it on the --</p>

9 (Pages 33 to 36)

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<p style="text-align: right;">Page 37</p> <p>1 you know, out of the sight of the public and so forth.</p> <p>2 Q. Did you also understand that these were not to allow --</p> <p>3 not to interfere with your job performance?</p> <p>4 A. Yes, I understood that. It's just it was loosely done.</p> <p>5 No one really adhered to any of that.</p> <p>6 Q. Nobody followed -- is that your testimony, nobody followed</p> <p>7 it?</p> <p>8 A. A lot of people did not follow that to a tee. It wasn't</p> <p>9 something that was direct, like you could absolutely not,</p> <p>10 so...</p> <p>11 Q. Did you understand that you were responsible to -- well,</p> <p>12 let me back up, because there is also a section for Floor</p> <p>13 Officers Duties and Responsibilities. Were you a Floor</p> <p>14 Officer or were you a Master?</p> <p>15 A. I rotated within the jail. I was several different -- you</p> <p>16 know, we just rotated. We were cross-trained.</p> <p>17 Q. Okay. Because section L is also in that section as well.</p> <p>18 So no matter where you were, you understood that that was</p> <p>19 a policy, but your testimony is that nobody followed it;</p> <p>20 is that what your testimony is?</p> <p>21 A. A lot of people didn't follow it.</p> <p>22 Q. Did you understand that it was your responsibility to</p> <p>23 report a violation of the rules, the General Orders, if</p> <p>24 you were aware, that you saw them?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 38</p> <p>1 Q. And similarly, it would be the responsibility of others to</p> <p>2 report if they saw them, right?</p> <p>3 A. Yes.</p> <p>4 MARKED FOR IDENTIFICATION:</p> <p>5 DEPOSITION EXHIBIT 8</p> <p>6 9:59 a.m.</p> <p>7 BY MS. AMTSBUECHLER:</p> <p>8 Q. Okay. I'm showing you what I marked as Exhibit Number 8,</p> <p>9 a General Order regarding electronic weapons, and there is</p> <p>10 also use of force. It's Bates stamp page 553 through 565.</p> <p>11 These are produced under protective order. Were you</p> <p>12 familiar with the policy regarding use of the Taser?</p> <p>13 A. We had training on the Taser, but there was no policy at</p> <p>14 the time on the Tasers.</p> <p>15 Q. This is effective July 2016. Were you aware this existed?</p> <p>16 Let me know when you want me to scroll down.</p> <p>17 A. A little bit more, yes. Thank you. Not that I recall.</p> <p>18 Q. What did you get -- what did you learn in your training on</p> <p>19 Taser?</p> <p>20 A. We went downstairs. I was the only female there. The</p> <p>21 guys were joking around. It was a loosely led training,</p> <p>22 and they said, okay, we are going to have you hit this</p> <p>23 dummy, you know. So we each put the Taser at, you know,</p> <p>24 our time to do it, and then we were critiqued, and that</p> <p>25 was about it.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. When was that?</p> <p>2 THE REPORTER: Could you speak up a little bit,</p> <p>3 please, Lori? Your voice was getting a little bit lower</p> <p>4 there.</p> <p>5 THE WITNESS: Oh, I'm sorry. I was trying not</p> <p>6 to get loud.</p> <p>7 BY MS. AMTSBUECHLER:</p> <p>8 Q. I think all of a sudden it changed. I don't know if you</p> <p>9 leaned back in your chair.</p> <p>10 A. I probably did, yeah, I did.</p> <p>11 I recall -- from what I recall, maybe 2000 --</p> <p>12 somewhere around 2014, early '14, maybe late '13.</p> <p>13 MR. DREW: Can you get closer, Lori? Because I</p> <p>14 can't hear you very well either.</p> <p>15 THE WITNESS: Okay. Let me scootch up.</p> <p>16 BY MS. AMTSBUECHLER:</p> <p>17 Q. There you go. That's better.</p> <p>18 A. From what I recall, I would say somewhere in approximately</p> <p>19 late 2013 and '14.</p> <p>20 Q. All right. Did you learn the difference between passive</p> <p>21 resistance and active resistance?</p> <p>22 A. No, that wasn't discussed during the training.</p> <p>23 Q. Okay. Did you learn what I have got highlighted here in</p> <p>24 the screen, section D, that you shouldn't use this for</p> <p>25 purposes of coercion?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Not in the training, no.</p> <p>2 Q. Okay. Putting up here -- oh, let's see. What did I do?</p> <p>3 Nope, I don't want that. Nope. I lost it. Hold on.</p> <p>4 A. No problem.</p> <p>5 THE REPORTER: I am still not hearing her as</p> <p>6 well for some reason.</p> <p>7 THE WITNESS: I'm going to put a mint in my</p> <p>8 mouth, if it's okay. I suffer from dry mouth. It's</p> <p>9 genetic.</p> <p>10 VIDEO TECHNICIAN: I have a suggestion, if we go</p> <p>11 off record.</p> <p>12 MS. AMTSBUECHLER: You want to go off record?</p> <p>13 VIDEO TECHNICIAN: Just momentarily.</p> <p>14 MS. AMTSBUECHLER: Okay.</p> <p>15 VIDEO TECHNICIAN: Off the record, 10:03 a.m.</p> <p>16 (Off the record at 10:03 a.m.)</p> <p>17 (Back on the record at 10:05 a.m.)</p> <p>18 VIDEO TECHNICIAN: We are back on the record,</p> <p>19 10:05 a.m.</p> <p>20 MS. AMTSBUECHLER: Now I lost -- let's see what</p> <p>21 happened here. Okay. Now I'm -- something happened. All</p> <p>22 I have got is a mini, and I don't have this right. Okay.</p> <p>23 THE WITNESS: And we ended up on the side, the</p> <p>24 right-hand side, and before you girls were above, and so</p> <p>25 was I.</p>

10 (Pages 37 to 40)

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<p style="text-align: right;">Page 41</p> <p>1 MS. AMTSBUECHLER: I know, everything is changed</p> <p>2 now, and I can't get her back. I don't know what's going</p> <p>3 on here.</p> <p>4 MARKED FOR IDENTIFICATION:</p> <p>5 DEPOSITION EXHIBIT 9</p> <p>6 10:05 a.m.</p> <p>7 BY MS. AMTSBUECHLER:</p> <p>8 Q. I have got -- on the screen share, can you see this, Rule</p> <p>9 9, Disciplinary Actions, Exhibit Number 9?</p> <p>10 A. If I get close, yes.</p> <p>11 Q. Let me see if I can make it bigger.</p> <p>12 MR. DREW: So is this a new exhibit, Number 9</p> <p>13 then?</p> <p>14 MS. AMTSBUECHLER: Yes.</p> <p>15 MR. DREW: Okay.</p> <p>16 BY MS. AMTSBUECHLER:</p> <p>17 Q. Can you see that now?</p> <p>18 A. Yes, I can see it now.</p> <p>19 Q. It's county rule number 9, did you ever see that when you</p> <p>20 were working there?</p> <p>21 A. I don't recall.</p> <p>22 MARKED FOR IDENTIFICATION:</p> <p>23 DEPOSITION EXHIBIT 10</p> <p>24 10:06 a.m.</p> <p>25 BY MS. AMTSBUECHLER:</p>	<p style="text-align: right;">Page 42</p> <p>1 Q. All right. I'm going to show you what I am marking as</p> <p>2 Exhibit Number 10, if I can get that up there. Let's see.</p> <p>3 No. I keep getting that. That's not what I want.</p> <p>4 Can you see that? Is it sharing or not?</p> <p>5 A. No, it's not sharing.</p> <p>6 Q. Okay. All right.</p> <p>7 A. It's just me.</p> <p>8 Q. Okay. Well, we will get to it then. Okay. There we go.</p> <p>9 Okay. Exhibit Number 10, it's the Collective Bargaining</p> <p>10 Agreement between the FOP, the sheriff, and the county.</p> <p>11 Were you familiar that you were -- you were a member of</p> <p>12 the union, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And it was the FOP, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And were you aware that you operated under this Collective</p> <p>17 Bargaining Agreement, which I have marked as Exhibit</p> <p>18 Number 10?</p> <p>19 A. I have never seen a copy of that, no.</p> <p>20 Q. Really. You never saw -- let me ask you a question. You</p> <p>21 never saw a copy of the Collective Bargaining Agreement;</p> <p>22 is that your testimony?</p> <p>23 A. From what I recall, yes. I know that back years ago they</p> <p>24 used to put them in our boxes, but I never really had a</p> <p>25 lot in my box, and I never received one, and so I kept</p>
<p style="text-align: right;">Page 43</p> <p>1 asking, and mostly they would fill me in, like the union</p> <p>2 reps would, on it.</p> <p>3 Q. Okay. Who was your union rep?</p> <p>4 A. At what point?</p> <p>5 Q. Well, okay. Fair clarification. Let's say 2018.</p> <p>6 A. 2018, I believe, to the best of my recall, it -- because</p> <p>7 it kind of switched. I believe it was still Nate</p> <p>8 Stephenson and John Jenkins at that point.</p> <p>9 Q. How about 2019?</p> <p>10 A. 2019 would have been -- I believe at some point in time in</p> <p>11 2019 Deputy Chris Riddle took over because John Jenkins</p> <p>12 had to -- due to a medical situation, had to quit being</p> <p>13 the union rep, he could not be the union rep any longer,</p> <p>14 and I believe that Nate relinquished his at that point,</p> <p>15 and it ended up being Christopher Riddle and -- I can see</p> <p>16 his face, but I'm not really -- Ed Fox was a business rep</p> <p>17 who had always been, and then -- I'm drawing a blank on</p> <p>18 the name. I can see him. I'm drawing a blank.</p> <p>19 Q. Ed Fox was a business representative; is that your</p> <p>20 testimony?</p> <p>21 A. To my knowledge he was called the business agent.</p> <p>22 Q. Okay. How long was he the business agent?</p> <p>23 A. Once we did the FOP, we got rid of teamsters, did the FOP,</p> <p>24 I guess I would approximate he has been the business agent</p> <p>25 for maybe six to seven years.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. So as of 2019 you believe he had been the business agent</p> <p>2 for six or seven years?</p> <p>3 A. Approximately.</p> <p>4 Q. How did you get along with him?</p> <p>5 A. Fair.</p> <p>6 Q. Did you believe he represented you adequately?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. Because when I would be sitting in front of anyone for an</p> <p>10 investigation, he really would never say anything. He</p> <p>11 also -- and he is also the business agent, I believe, that</p> <p>12 is what he's called there, too, for the sheriff, the</p> <p>13 undersheriff, the captains and lieutenants and the</p> <p>14 sergeants as well.</p> <p>15 Q. So you believe he was the business agent for the command</p> <p>16 and the FOP?</p> <p>17 A. And for the deputies, yes.</p> <p>18 Q. Okay. Do you believe he ever discriminated against you</p> <p>19 because you were a female?</p> <p>20 A. I believe he did, yes.</p> <p>21 Q. Okay. Why do you believe that?</p> <p>22 A. Because of the way he would talk to me. It was just very,</p> <p>23 sometimes very degrading and demeaning, humiliating.</p> <p>24 Q. Did other deputies complain about him?</p> <p>25 A. I'm unaware. I didn't really ever discuss that with</p>

11 (Pages 41 to 44)

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1 anybody.

2 Q. Were you aware your Collective Bargaining Agreement had a

3 provision, which I have up on the screen now, which

4 prohibited the union from discriminating against you?

5 A. Yes.

6 Q. So did you ever complain to anybody that you thought Ed

7 Fox was discriminating against you?

8 A. Yes, I did.

9 Q. Who?

10 A. I believe Sergeant Wood and Lieutenant Mark Burns.

11 Q. What did you say to them about Fox?

12 A. I said that I didn't understand why he was our business

13 agent as well as the sheriff, undersheriff, and so forth,

14 the head command. I said doesn't that kind of glaze over

15 and debunk? How can he really represent us in these --

16 when he has got to represent the upper tier of command as

17 well, and I told them that I didn't believe he was doing

18 anything. He wasn't verbally assisting in any kind of

19 defense or any kind of help while I was in there. And I

20 told them that the times that I had spoken with him

21 afterwards, he had said that -- different like degrading

22 things like, well, you should have did this, you shouldn't

23 have did that. You know, you just need to know, you know,

24 that we can only do so much basically.

25 Q. What kind of degrading things did he say to you?

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1 A. That was probably in 2000 -- between 2013 to 2000 -- I

2 believe close to the end of 2018.

3 Q. What did you ever -- let me rephrase this. Were you aware

4 that Poulin became sheriff, he was elected in 2016,

5 November of 2016, correct?

6 A. Yes, and he didn't take -- but he didn't take office, I

7 don't believe, until January of 2017.

8 Q. All right. And prior to that was he captain?

9 A. Yes.

10 Q. Do you know how long he was captain?

11 A. Over years. I can only estimate, maybe at least between

12 ten and eighteen years.

13 Q. When he was captain, how much interaction did you have

14 with Poulin?

15 A. Not very much at all. I would see him in the hallway, say

16 hello, and then in 2014 I had interaction with him when --

17 in a couple of different allegations.

18 Q. When he was captain, did he ever mistreat you?

19 A. I believe so. That's my belief.

20 Q. How so?

21 A. I would -- he would put out different things to help with

22 food banks and things like that, and if anybody was

23 interested, and every time I did, he said, well, let's

24 wait and see who else comes along, you know, maybe we can

25 use you next time, that type of thing.

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1 A. He said you talk too much. You shouldn't say anything

2 about that. Why -- why were you being evasive? We

3 couldn't really say anything because Captain Poulin told

4 us not to, so, you know, it's not like you can be mad at

5 us because we were -- you know, we were told and ordered

6 by the captain, at that time he was the captain. So just

7 things like that, of that nature, that just made me feel a

8 little humiliated and unwarranted, I felt, a lot of times.

9 Q. Okay. Anything else that he said that you thought was

10 degrading that you can recall?

11 A. Well, there were things. I just can't recall at this

12 time. Those are the things I recall at this time.

13 Q. All right. So you referred to Captain Poulin. This was

14 obviously when he was a captain; is that correct?

15 A. Yes.

16 Q. Was he captain of the jail for when you are talking about

17 or was it --

18 A. Yes.

19 Q. Okay.

20 A. Well, I believe he was captain of both the road and the

21 jail, and --

22 Q. When was this?

23 A. When he became -- when he became captain.

24 Q. When was the statement that you said that Ed Fox told you

25 that Captain Poulin --

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1 When he -- when he was put on two separate

2 allegations against me, he was very -- pounding his fist

3 on the table telling me, you know, that they were the

4 monkeys at the circus, and they were to sit there and be

5 quiet, which was very unsettling to me.

6 Q. All right. I'm going to come back to that in a minute,

7 but let's complete the list. Anything else that Poulin

8 did to mistreat you when he was captain?

9 A. I didn't see him a whole lot, but when I did see him, it

10 was for those allegations, and I felt that he mishandled

11 the second allegation, because his comment was there was

12 no -- no video at that time on that, but all I could see

13 was a picture, but he would have to assume that this is

14 what was happening.

15 Q. What allegation are you talking about?

16 A. A female that had been already released from our jail,

17 other than doing her fingerprints, and her -- she was

18 young. She -- her phone was dead. I had my charger with

19 me, so I was trying to get it charged because she was 21

20 and didn't know her mother or dad's phone number without

21 the phone.

22 Q. All right. So that's the incident you are talking about

23 there, and we will come back to that.

24 A. Uh-huh.

25 Q. So the time he was pounding his fist on the table and

12 (Pages 45 to 48)

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<p>1 talking about the monkeys in the circus, what was that</p> <p>2 about?</p> <p>3 A. That was on the Taser, I believe, if I recall correctly,</p> <p>4 it was on a Taser. There were two right on top of each</p> <p>5 other that we were doing, so...</p> <p>6 Q. All right. How did the sheriff treat you -- how did</p> <p>7 Poulin treat you when he became sheriff?</p> <p>8 A. I did not see Sheriff Poulin unless he had come down to</p> <p>9 ask for me or if they had asked me to go upstairs.</p> <p>10 Q. Did he do anything in the times you did interact with him</p> <p>11 as sheriff that you thought was inappropriate?</p> <p>12 A. Not sure I understand the inappropriate part.</p> <p>13 Q. Did he mistreat you in any way when he became sheriff, in</p> <p>14 the one-on-one situation? I know you have got allegations</p> <p>15 that relate to the sheriff's office overall. I'm talking</p> <p>16 about one on one.</p> <p>17 A. Not that I recall, because I didn't see him very often.</p> <p>18 Q. I'm trying to find my documents. Bear with me a minute</p> <p>19 here. Can you see the document I have up on the screen,</p> <p>20 it's a written reprimand, January 24, 2019?</p> <p>21 A. Yes.</p> <p>22 MARKED FOR IDENTIFICATION:</p> <p>23 DEPOSITION EXHIBIT 11</p> <p>24 10:22 a.m.</p> <p>25 BY MS. AMTSBUECHLER:</p>	<p>1 Q. That's Bates stamped pages 12 to 13-D. It's Exhibit</p> <p>2 Number 11. Do you recall receiving that written</p> <p>3 reprimand?</p> <p>4 A. Yes. That wasn't how it started, though. It ended that</p> <p>5 way, but --</p> <p>6 Q. What do you mean by that?</p> <p>7 A. They had taken me off for four days on administrative</p> <p>8 leave and investigate -- some investigation. They didn't</p> <p>9 tell the union reps any particular information on it, nor</p> <p>10 did they give me any information on it, and what the</p> <p>11 original investigation apparently was, was that they</p> <p>12 thought I was bringing drugs into the jail and giving them</p> <p>13 to the female laundry ladies.</p> <p>14 Q. All right. So when did you learn that somebody thought</p> <p>15 you were bringing in drugs?</p> <p>16 A. That was the -- I believe the meeting was the 23rd, and</p> <p>17 then I went back to work, I believe, the 24th.</p> <p>18 Q. So your Loudermill hearing was on the 23rd; is that</p> <p>19 correct?</p> <p>20 A. For this incident, yeah, I believe so. It was four days I</p> <p>21 was off total. They had Sergeant --</p> <p>22 Q. Okay. You know what, I'm going to try to ask you to</p> <p>23 answer my questions, if you can.</p> <p>24 A. Okay.</p> <p>25 Q. We have got a limited amount of time here today.</p>
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<p>1 A. Sorry.</p> <p>2 Q. And so I'm just trying to -- the Loudermill hearing on the</p> <p>3 23rd, who was present?</p> <p>4 A. It was the undersheriff, myself, Deputy Riddle, and I</p> <p>5 believe that the sheriff was also there, if I recall</p> <p>6 right, or in and out of the meeting.</p> <p>7 Q. Riddle was your union representative?</p> <p>8 A. Yes.</p> <p>9 Q. Was Ed Fox there?</p> <p>10 A. I don't recall.</p> <p>11 Q. What was said at this meeting on the 23rd of January,</p> <p>12 2019?</p> <p>13 A. What I recall is they were -- I was told by Deputy Riddle</p> <p>14 that they had thought that I was passing drugs into the</p> <p>15 facility. They had the dog go through, and then when they</p> <p>16 couldn't find anything, they looked back on the tapes and</p> <p>17 saw that I gave a cookie to each of the laundry trustees,</p> <p>18 and I believe -- it seem likes Deputy Jenkins had either</p> <p>19 talked to me prior to that or was there at that one also,</p> <p>20 and he said: Lori, if they try to write you up for giving</p> <p>21 a cookie to an inmate, I'm going to have to out myself,</p> <p>22 because all of us have given them cookies, we have given</p> <p>23 them coffee. The state of trustees had been into the</p> <p>24 master control room when we had a luncheon for one of the</p> <p>25 holidays, and they ate --</p>	<p>1 Q. Did Deputy Jenkins -- did Deputy Jenkins say this during</p> <p>2 the hearing on the 23rd?</p> <p>3 A. No, just prior to it.</p> <p>4 Q. I'm asking what was said at the hearing on the 23rd.</p> <p>5 A. I'm sorry?</p> <p>6 Q. What was said at the hearing on the 23rd?</p> <p>7 A. On the 23rd, that they thought that I was bringing drugs</p> <p>8 into the facility, however, they realized that I gave a</p> <p>9 cookie to each trustee. They asked me if I asked a</p> <p>10 sergeant, and I said we have never had to ask a sergeant</p> <p>11 from the time that I started. It was just a given, people</p> <p>12 give inmates -- or the trustees coffee all the time.</p> <p>13 There is some that would go out and buy them pops at the</p> <p>14 machine from the front, and I didn't realize that we had</p> <p>15 to get an actual okay from a sergeant prior to giving a</p> <p>16 cookie or anything such like that to a trustee.</p> <p>17 Q. Did you give the trustees cookies?</p> <p>18 A. I gave each of them a cookie, yes.</p> <p>19 Q. Okay. What was said by the sheriff or the undersheriff</p> <p>20 other than what you have just said during meeting on the</p> <p>21 23rd related to the cookies, if you recall?</p> <p>22 A. He said, well, you handed to them -- handed it to them</p> <p>23 strangely, that's why we thought at first it was possibly</p> <p>24 drugs. I am left handed. I walked over to look at the</p> <p>25 blanket, the loads of blankets there, and she -- I said --</p>

13 (Pages 49 to 52)

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<p>1 she said: Do you have anything sweet, Ms. J? And I said:</p> <p>2 I have got a couple cookies that I was going to eat. Oh,</p> <p>3 do you think that we could have one? And I said: Sure.</p> <p>4 And I handed it to them, because it was my left hand, so I</p> <p>5 handed it like this because she was on the other side, and</p> <p>6 she -- I dropped it in her hand, and I said there is one</p> <p>7 for each of you, and I walked out.</p> <p>8 Q. Who is he? You said he said.</p> <p>9 A. Undersheriff Sanford.</p> <p>10 Q. Okay. What was discussed on the 23rd related to your</p> <p>11 cellphone?</p> <p>12 A. They said that I had had it out in front of inmates. I</p> <p>13 had turned, and my daughter had text me, and I looked at</p> <p>14 it, and then I put it in my pocket and walked out.</p> <p>15 Q. So they talked to you about this, and you told them that</p> <p>16 that's what you had done, is that what you are testifying</p> <p>17 to?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. And what was the response by either the</p> <p>20 undersheriff or the sheriff at this meeting on the 23rd?</p> <p>21 A. That we just have to be careful and out of view of the</p> <p>22 inmates, and even though I've turned around, they possibly</p> <p>23 could see, and that they were never going to take the --</p> <p>24 they would never take our phones away from us because that</p> <p>25 could be the last resort, but just to be careful to not</p>	<p>1 have trustees around or be moving inmates and have your</p> <p>2 phone out.</p> <p>3 Q. So you received a written reprimand for these two items on</p> <p>4 January 24, 2019 as reflected in Exhibit 11, correct?</p> <p>5 A. Yes, but Deputy Riddle did verbally say: Now, can she</p> <p>6 have it out like in a small hallway or in the offices or</p> <p>7 places that there aren't inmates? And he said: Well,</p> <p>8 sure, yeah, that's no problem at all. And he goes: Well,</p> <p>9 I just wanted to clarify that. But I don't believe that</p> <p>10 it was ever added in the original write-up that I got.</p> <p>11 Q. Did you grieve the written reprimand?</p> <p>12 A. No.</p> <p>13 Q. It says here on the page 13-D that there was time</p> <p>14 management, performance and time management issues which</p> <p>15 were addressed at the hearing on the 23rd. Do you see</p> <p>16 that?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall that discussion?</p> <p>19 A. Yes.</p> <p>20 Q. What was said by who about that topic?</p> <p>21 A. The undersheriff brought it up. I believe they were</p> <p>22 saying that I had left the -- if I remember right, I had</p> <p>23 left some stuff in the dryers, and I brought the girls up,</p> <p>24 and they had a bunch of people they released, and Sergeant</p> <p>25 Vanderlaan was upset that there was no trustees down there</p>
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<p>1 at that time when I left, but I had relayed to the people</p> <p>2 in master control, as well as gave a note to the day</p> <p>3 sergeant to give to the night sergeant, about what had</p> <p>4 been done and what needed to be done.</p> <p>5 Q. So after that did you take extra care in how you filled</p> <p>6 out your dailies regarding your time management?</p> <p>7 A. I was told by Sergeant -- well, I never had to do a daily</p> <p>8 until then, and what he told me was it had to be specific,</p> <p>9 the dates had to be right, the times had to be very, very</p> <p>10 concise. Like if I went to the bathroom at 8:32 and left</p> <p>11 the bathroom at 8:36, I should note that. I should note</p> <p>12 everything pertinent in the day.</p> <p>13 Q. So did you start doing that?</p> <p>14 A. I did it to the best of my ability, yes.</p> <p>15 Q. In January of 2019 what shift were you working?</p> <p>16 A. I believe that, and the shift that I bid for, the</p> <p>17 eight-hour shift for doing laundry, commissary, cell</p> <p>18 checks, that type of thing.</p> <p>19 Q. What time of day, what hours were those eight hours, what</p> <p>20 day times? What times of day?</p> <p>21 A. It originally started at 10:00 a.m. until 6:00 p.m.</p> <p>22 Q. Did that change?</p> <p>23 A. Yes, it did.</p> <p>24 Q. When?</p> <p>25 A. My partner, who is deployed, he was a Marine reserves, and</p>	<p>1 he was deployed, and so it was brought to the</p> <p>2 undersheriff's attention at a meeting that we had all had</p> <p>3 by another deputy that it would be nice if I could come in</p> <p>4 at a little earlier in the day, like maybe 8:00, 8:30,</p> <p>5 because when I would come in at 10:00 I was under the gun</p> <p>6 to get so much finished before lunchtime, then I had to</p> <p>7 break for lunchtime. I couldn't go out and do my job</p> <p>8 during the lunchtime, and then if it was a Sunday, I</p> <p>9 couldn't do my lunchtime once we did the break, and then</p> <p>10 had chapel at, I believe it started anywhere from between</p> <p>11 1:30 and 1:38 in at afternoon, and you would bring</p> <p>12 different people to the chapel room and on the third</p> <p>13 floor.</p> <p>14 Q. Okay. But my question was when.</p> <p>15 A. When did it change?</p> <p>16 Q. Yes.</p> <p>17 A. After Deputy Rutt (Phonetic) was put on full duty as a</p> <p>18 Marine.</p> <p>19 Q. Do you know when that was?</p> <p>20 A. It was probably late January, early February. I don't</p> <p>21 really recall. I just know he was gone.</p> <p>22 Q. So from February until when were you on the shift coming</p> <p>23 in at 8:00 or 8:30?</p> <p>24 A. To the best of my knowledge, it was approximately three to</p> <p>25 four-and-a-half months after Rutt left.</p>

14 (Pages 53 to 56)

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- 1 Q. Who were you working with during that time, who was your
2 partner if there was one?
- 3 **A. I had no partner.**
- 4 Q. Who was on your -- who did you work directly with during
5 that time?
- 6 **A. Directly with? I had no partner, but I did work directly,
7 interacting with the deputies on each floor.**
- 8 Q. Okay. And that was January, February, March? You don't
9 remember, right?
- 10 **A. I know it was sometime in that area, but I don't really
11 remember if it was January, because he didn't leave until
12 January, I do know that, and it was sometime after that
13 that my hours changed.**
- 14 Q. After you got the written reprimand regarding the
15 cellphone usage in January of 2014, did you then try and
16 record video footage of other people using their
17 cellphones?
- 18 **A. When I was inside of an office, yes, I did, because I was
19 being -- that was retaliatory on the phones and such
20 because of my testimony in late 2016, that I was in a
21 deposition at. So yes, I did, to show that there were
22 people that were actually on their phones out there with
23 people, buzzing around the inmates and trustees, and
24 nothing was done.**
- 25 Q. So you said that the written reprimand was in retaliation

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- 1 for your deposition testimony in 2016; did I hear you
2 correctly?
- 3 **A. Late 2016, I believe it was in October. I believed it was
4 settled a year later or a little over a year later.**
- 5 Q. You are talking about your deposition testimony related to
6 the ACLU matter with the prisoners, correct?
- 7 **A. Yes.**
- 8 Q. Okay. Why do you believe that the January 24, 2019
9 reprimand was in retaliation for your testimony in 2016?
- 10 **A. Well, it was late 2016. They did not get a verdict until
11 sometime in 2017 --**
- 12 Q. Why?
- 13 **A. -- I believe. Because of my testimony, I have been told
14 by Lieutenant Burns not to say anything other than I
15 didn't have any idea of the allegations, that I never saw
16 them, that I never heard them. Basically he wanted me to
17 lie, and I told him at that time, Mark, we've worked
18 together for 21 years. If they ask me direct questions
19 that I was there to hear or see or both, I'm going to tell
20 the truth. I'm not going to lie for you, this department,
21 or anyone else. If they ask me general questions that I
22 was not aware of, I will tell them I was not aware of.**
- 23 Q. We will get back to that in a minute, but why do you link
24 that up to your discipline in 2019, why do you believe
25 there is a connection?

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- 1 **A. Because there had been retaliation constantly since 2010
2 when I was sexually assaulted by a sergeant multiple
3 times, and nothing was done.**
- 4 Q. Okay. The question is what -- what basis do you believe
5 that your January 2019 discipline was a retaliation for
6 your testimony in the deposition in October of 2016?
- 7 **A. I have to disagree with you, because it was the testimony,
8 but it was after they made a settlement that these things
9 started to occur of retaliation against me, because of my
10 testimony, because they did get a good sum of money from
11 that.**
- 12 Q. Why do you believe your discipline was because of that
13 2016 ACLU matter?
- 14 **A. Because I was told by Lieutenant Burns in 2017 that the
15 sheriff was not happy with me and my testimony in the
16 deposition, and he just thought I should know that.**
- 17 Q. Any other reason?
- 18 **A. I could see what was happening. I could see the
19 retaliation. I could see that they were -- they were
20 singling me out for certain things. They weren't looking
21 at anybody else, later to find out that there was a
22 sergeant who was reviewing my tapes heard the command,
23 whether it was -- I don't know if it was undersheriff,
24 sheriff, who it was, and they were looking to try to
25 violate me on any of the policy they could.**

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- 1 Q. Who was that sergeant?
- 2 **A. Sergeant Vanderlaan, is what I understood. That's what I
3 was told.**
- 4 Q. Who told you that?
- 5 **A. I was told that by different -- Chris Riddle, John
6 Jenkins, a couple people on the night team, so that's how
7 I was aware of it.**
- 8 Q. So your testimony is that Riddle, Jenkins, and others told
9 you that Sergeant Vanderlaan was reviewing your tapes to
10 try to get you in every way they could; is that your
11 testimony?
- 12 **A. That is what they made it -- it wasn't their exact
13 wording, but in so many words, yes, that's what they were
14 saying.**
- 15 Q. But what were their words, do you remember their words?
- 16 **A. Not -- not each one of them, no, but they basically all
17 said the same thing, you know, you need to watch out
18 because they got Vanderlaan reviewing your tapes to see if
19 they can get you on any policy violations.**
- 20 Q. When did they say this to you?
- 21 **A. After -- I have to think. It was after they brought me
22 back from -- they took me off saying that I was mentally
23 unfit for duty, so it was after that point in time.**
- 24 Q. How many times did Jenkins and Riddle say this to you?
- 25 **A. I don't really have an answer for that. I know it was at**

15 (Pages 57 to 60)

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1 least once.

2 Q. Okay. Since we started talking about this ACLU testimony,

3 let's close that loop. You said that someone told you, I

4 think you said Lieutenant Burns told you the sheriff was

5 not happy with your testimony?

6 A. Yes.

7 Q. What sheriff was he talking about?

8 A. He wasn't happy with my testimony?

9 Q. What sheriff was he talking about?

10 A. Sheriff Poulin.

11 Q. Because when you testified, Poulin was not sheriff, was

12 he?

13 A. When I testified, no, he was not sheriff, but when the

14 deposition was done and when -- or not the deposition,

15 sorry, but when it was brought to where -- the point where

16 they made a deal with the ACLU, that would be at that

17 point.

18 Q. So is it your testimony that you believe that when the

19 case was settled with the ACLU, Poulin was sheriff?

20 A. He was either sheriff or going to be, because when the

21 other sheriff lost, then he just quit coming to work,

22 so -- and neither did the undersheriff, came to work, very

23 rarely.

24 Q. When did Burns tell you that -- you said -- let me

25 rephrase this.

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1 even knew about your testimony?

2 A. I just believed that because the sheriff was the sheriff

3 or going into being the sheriff or in the interim, or

4 whatever they wanted to call him, that he would have had

5 to have known.

6 Q. Did anybody else testimony in that matter?

7 A. I'm sure there were. I know that Lieutenant Burns was

8 after my deposition, and I recall they had a -- I'm not

9 sure exactly what deputies, but they did have another, a

10 couple, three to my memory, that did testify in it at some

11 point after Lieutenant Burns.

12 Q. Do you know who else testified?

13 A. I can't recall, no.

14 Q. Do you know if anybody else was retaliated against for

15 their testimony?

16 A. Not to my knowledge.

17 Q. Is it your testimony that Lieutenant Burns told you to

18 lie?

19 A. Yes, it is.

20 Q. Did anybody else hear that?

21 A. No.

22 Q. Do you -- did Lieutenant Burns tell you why he was telling

23 you to lie?

24 A. Because that's what they always do. He didn't tell me,

25 but that's what they always do.

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1 You testified, I believe, that it was in 2017

2 that Burns told you that the sheriff was not happy with

3 your testimony; is that correct?

4 A. It was sometime in mid -- the middle of to the later of

5 2017.

6 Q. In what context, where were you?

7 A. We were in the master control, and we were standing

8 near -- more near the door, and he said, hey, I just want

9 to let you know that the under -- the sheriff and

10 undersheriff aren't very happy with you for -- they

11 settled that ACLU, and they are not real happy with your

12 testimony, what you testified to.

13 Q. Anybody else present for this?

14 A. There were people over, but they were busy doing things,

15 so there were people there. There were a couple people

16 running the boards and stuff and letting inmates in and

17 out and so forth, but I had -- we weren't close enough to

18 them that -- I don't think they would have been able to

19 hear.

20 Q. So it's your testimony that Lieutenant Burns just pulled

21 you aside and said, hey, the undersheriff and sheriff

22 aren't happy with your testimony; is that what you are

23 saying happened?

24 A. Yes.

25 Q. Okay. Do you have any other reason to believe the sheriff

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1 Q. So you believed that he told you to lie because they

2 always lie?

3 A. I don't -- I just think he told me to tell -- and in fact,

4 the fact of the matter is, it would have been a lie, but

5 they schmooze it over to just, well, you don't recall and

6 you didn't hear and you didn't see. To me that's lying,

7 and that's what I called it as, so yes.

8 Q. So your testimony is that he told you to say you didn't

9 really recall what went on?

10 A. He said just say I have not heard that or I don't recall

11 hearing that or seeing that. Just a vague, you know, type

12 of answer, that I really don't know what you are talking

13 about, but without saying that.

14 Q. Did anybody talk to you about your testimony after you

15 gave the testimony other than what you have already said?

16 A. Talk about my testimony as far as after it was done, no,

17 not that I recall.

18 Q. So when I started down this path, when I asked you about

19 making a recording of other people on their cellphones,

20 and you said you did that because you thought you were

21 being retaliated against, and you -- through your attorney

22 we have been provided with four videos. Are you familiar

23 with those, four videos that you made?

24 A. Yes, I am, I'm aware. I thought it was three, but it may

25 have been four.

16 (Pages 61 to 64)

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1 Q. Okay. And one of those was a February 13, 2019 video of a
2 deputy in their office using an electronic device. Do you
3 recall making that?

4 **A. Yes. It was a very quick one. It just shows his legs and
5 a little bit of his phone. He had his legs up.**

6 Q. Who was that deputy that you were recording?
7 (Technical difficulties).

8 MS. AMTSBUECHLER: We have some serious
9 feedback.

10 VIDEO TECHNICIAN: Off the record, 10:48 a.m.
11 (Recess taken at 10:48 a.m.)

12 (Back on the record at 11:04 a.m.)

13 VIDEO TECHNICIAN: We are back on the record,
14 11:04 a.m.

15 MS. AMTSBUECHLER: Okay. I think we can all
16 hear each other now.

17 Mr. Drew, did you change rooms? Are you in the
18 same room with her now?

19 MR. DREW: I'm in the same room. I'm in my same
20 separate room, yes.

21 MS. AMTSBUECHLER: Oh, okay. I didn't know if
22 that's what started the echo or if you had moved or not.
23 I was a little confused.

24 MR. DREW: No, I was there the whole time.

25 BY MS. AMTSBUECHLER:

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1 Q. Okay. Anyway, so I think we left off, we were talking
2 about the video that was made on February 13th of the
3 deputy who had his feet up, and you said his name was
4 what, please?

5 **A. Deputy Greg Lynn, L-Y-N-N.**

6 Q. Okay. And now I have got a little bit of a delay because
7 of the phone. I hope that doesn't result in us talking
8 over one another. We will do our best.

9 Did you report that to anyone?

10 **A. I had said things several times, especially the male
11 deputies being on their phone.**

12 Q. No, my question was did you report this incident?

13 **A. I told my union rep.**

14 Q. Did you report it to command?

15 **A. I had said something, but it was kind of not really like a
16 sit down and report. I said: How come you let all these
17 guys sit around with their phones playing, you know, games
18 and stuff while they should be doing their stuff, you
19 know, they should be doing their duties?**

20 Q. Did you report the incident on February 13, 2019 to
21 anyone?

22 **A. Not formally, no. I did speak about it.**

23 Q. How about informally?

24 **A. Informally, yes.**

25 Q. Okay. What about what you just said should have told

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1 anybody in command that Deputy Lynn had done this on
2 February 13?

3 **A. I told them it was Deputy Lynn at that point, but that
4 there were several others.**

5 Q. Who did you tell that Deputy Lynn had done this and when
6 did you tell that person?

7 **A. I believe it was -- I believe it was Sergeant Griswold, if
8 I recall right.**

9 Q. When did you have this conversation with Griswold about
10 Deputy Lynn being on his phone?

11 **A. Probably within a week after that, a couple days. I don't
12 know if I had a couple days off in between or what, but it
13 wasn't right that exact day, no.**

14 Q. And what did you say to Griswold about Lynn being on the
15 phone?

16 **A. I said: Why is it that all these guys can be on their
17 phones, whether it be in the office or out while they are
18 with inmates doing different things, whether it be serving
19 dinner or what? And he said: I don't know, Lori, I don't
20 know.**

21 Q. That is what you -- is there anything else that you told
22 him that you believe should have let him know that Lynn
23 had done this on February 13?

24 **A. He knew that that was Deputy Lynn on the 13th, and then I
25 said, you know, he's not the only one.**

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1 Q. How did he know it was Deputy Lynn on the 13th?

2 **A. I told him it was Deputy Lynn.**

3 Q. On the 13th?

4 **A. Not on the --**

5 Q. Did you specifically say to Griswold that on February 13th
6 Deputy Lynn was on his -- on his phone with his feet up,
7 and I have video of it?

8 **A. I didn't probably say that it was the 13th or whatever. I
9 probably said on Tuesday or whatever it was, you know,
10 this is what I get. I got this guy that I'm with, and he
11 is sitting there with his feet kicked up talking on -- or
12 texting on the phone or whatever he was doing, I said, and
13 I just don't get it. I don't get why they watch me every
14 second of the day, but they don't let -- they let the
15 other guys, you know, deputies run around with their
16 phones in their hands constantly, and that's when he said
17 he didn't know.**

18 Q. Was Sergeant Griswold -- Sergeant Griswold your sergeant?

19 **A. He was there. He's not normally my sergeant. Well, they
20 all are, but sometimes they work dayshift. He was a
21 nightshift mainly, and then he went to day, and then while
22 people were away they would -- you know, we would get some
23 road sergeants that would come in and cover the jail, so
24 at that point that's who I was working with.**

25 Q. He was not the sergeant on your shift at that time; is

17 (Pages 65 to 68)

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<p style="text-align: right;">Page 69</p> <p>1 that correct?</p> <p>2 A. I don't recall, because they did move him to first shift</p> <p>3 at some point, but I don't recall if it was at that point</p> <p>4 or not.</p> <p>5 Q. Okay. You have also got a video of Jason Thielbar,</p> <p>6 T-H-I-E-L-B-A-R, using an electronic device when he was</p> <p>7 passing meals on March 23rd; is that correct?</p> <p>8 A. I'm not sure if it was Jason or not. It could have been,</p> <p>9 but I haven't --</p> <p>10 Q. Did you tell --</p> <p>11 A. I haven't really looked at it again, and yeah, he was --</p> <p>12 Q. Did you tell anybody -- did you tell anybody in command</p> <p>13 about that?</p> <p>14 A. Yes, I did.</p> <p>15 Q. Who?</p> <p>16 A. Lieutenant Burns.</p> <p>17 Q. When?</p> <p>18 A. The next time I saw him, which I don't recall. It was --</p> <p>19 it wasn't months or anything, but within probably, I would</p> <p>20 guess, within a couple weeks.</p> <p>21 Q. What did you say?</p> <p>22 A. I just told him that, I said look it, here he is on his</p> <p>23 phone, and nobody does a thing, but let me just slide it</p> <p>24 out so I can see the time because my watch is broke or I</p> <p>25 don't have my watch on that day, and I'm upstairs, and</p>	<p style="text-align: right;">Page 70</p> <p>1 they are trying to discipline me for it. I said I don't</p> <p>2 understand it.</p> <p>3 Q. What did Burns say in response?</p> <p>4 A. He said, well, you know, they probably share -- I will</p> <p>5 have a word with him, yeah, you know, you are right, and</p> <p>6 you know, don't worry about it. I will have a talk with</p> <p>7 Thielbar and, you know, just we will see if we can't, you</p> <p>8 know, all work together.</p> <p>9 Q. Did you show Burns the video?</p> <p>10 A. I couldn't get it to go at that time. I got it up, but it</p> <p>11 was frozen, so he knew there was a video, but he didn't</p> <p>12 actually -- and he could see that the phone -- he was on</p> <p>13 the phone, and it was frozen to that frame, but he didn't</p> <p>14 get to see the whole thing, because at that time I</p> <p>15 couldn't get it to unfreeze on my phone.</p> <p>16 Q. So you had a conversation with Lieutenant Burns where you</p> <p>17 showed him your phone, and you let him know you were</p> <p>18 recording other deputies engaged in misconduct; is that</p> <p>19 your testimony?</p> <p>20 A. I --</p> <p>21 MR. DREW: Wait a minute. Wait, wait.</p> <p>22 Objection, form of the question. That's a compound</p> <p>23 question.</p> <p>24 BY MS. AMTSBUECHLER:</p> <p>25 Q. My question stands. Can you answer it?</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. DREW: Well, read it back.</p> <p>2 MS. AMTSBUECHLER: I'm not asking to have it</p> <p>3 read back.</p> <p>4 MR. DREW: I am.</p> <p>5 MS. AMTSBUECHLER: It's my deposition.</p> <p>6 MR. DREW: Okay. Do you remember the question?</p> <p>7 THE WITNESS: No.</p> <p>8 MS. AMTSBUECHLER: Let me rephrase the question</p> <p>9 then, and I would appreciate not having interference.</p> <p>10 BY MS. AMTSBUECHLER:</p> <p>11 Q. Is it your testimony that you showed Lieutenant Burns a</p> <p>12 video of another deputy involved in misconduct?</p> <p>13 MR. DREW: Objection, form of the question.</p> <p>14 Go ahead.</p> <p>15 A. Yes, but it was frozen so he didn't see the video. He saw</p> <p>16 a photo of the start, a frozen frame, that's what he saw.</p> <p>17 BY MS. AMTSBUECHLER:</p> <p>18 Q. On your phone, correct?</p> <p>19 A. Yes.</p> <p>20 Q. So is it your testimony, that you believed anyway, that</p> <p>21 Lieutenant Burns knew that you had taken a video recording</p> <p>22 of Thielbar?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And that you told Burns that you had this video,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes, that it was a video.</p> <p>2 Q. And that you just couldn't get it to play?</p> <p>3 A. At that point, no, I couldn't.</p> <p>4 Q. Okay.</p> <p>5 A. I went in --</p> <p>6 Q. Where were you -- okay. Where were you when you showed</p> <p>7 this to Burns?</p> <p>8 A. In his office.</p> <p>9 Q. In the jail?</p> <p>10 A. His office was in the old jail, yes.</p> <p>11 Q. So you went to him and you -- specifically to show him</p> <p>12 this, is that your testimony?</p> <p>13 A. Yes, because I felt I was being retaliated against once</p> <p>14 again for --</p> <p>15 Q. Okay. All right. I'm not asking you why. I'm just</p> <p>16 asking you if you did that.</p> <p>17 A. Yes.</p> <p>18 Q. Was there anybody else there?</p> <p>19 A. No.</p> <p>20 Q. Okay. How long were you in his office having this</p> <p>21 conversation?</p> <p>22 A. I don't recall.</p> <p>23 Q. Did you make an audio recording of the conversation?</p> <p>24 A. No.</p> <p>25 Q. Did you make audio recordings of any conversations with</p>

18 (Pages 69 to 72)

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<p style="text-align: right;">Page 73</p> <p>1 anybody from the sheriff's office?</p> <p>2 A. I really don't recall. I mean you are talking the entire</p> <p>3 span of my career, am I understanding that right?</p> <p>4 Q. That's right.</p> <p>5 A. I don't recall ever doing that until after the 2017, when</p> <p>6 all the retaliation started, and then I may have done a</p> <p>7 couple, but I'm not -- I don't recall at this time. I'm</p> <p>8 sorry.</p> <p>9 I don't know whether to look at the phone or the</p> <p>10 screen, so please correct me if I'm supposed to look</p> <p>11 straight ahead or over there.</p> <p>12 THE VIDEOGRAPHER: We just lost --</p> <p>13 (Technical difficulties).</p> <p>14 MS. AMTSBUECHLER: I'm back on computer audio.</p> <p>15 Can you hear me?</p> <p>16 VIDEO TECHNICIAN: Yeah, I was just going to</p> <p>17 stop the dep because we lost your audio. That's fine. We</p> <p>18 can hear you well.</p> <p>19 MS. AMTSBUECHLER: I don't know what happened</p> <p>20 here, so I'm just going to continue with the computer</p> <p>21 audio.</p> <p>22 THE WITNESS: Okay. I just asked if I should be</p> <p>23 looking -- I'm tending to look at the phone over here.</p> <p>24 Should I be looking straight ahead?</p> <p>25 VIDEO TECHNICIAN: Yes. Thank you.</p>	<p style="text-align: right;">Page 74</p> <p>1 MS. AMTSBUECHLER: Yes.</p> <p>2 THE WITNESS: Okay. I'm sorry about that.</p> <p>3 Thank you for clarifying.</p> <p>4 BY MS. AMTSBUECHLER:</p> <p>5 Q. All right. So did you audio record any conversations with</p> <p>6 anybody that you worked with at the sheriff's office? I</p> <p>7 think your testimony was at least not before 2017. Did</p> <p>8 you do any audio recordings after 2017?</p> <p>9 A. I don't really recall if I did. There may have been a</p> <p>10 couple that I did, and it would just be to show, again,</p> <p>11 how I was being retaliated against and others weren't that</p> <p>12 I worked with.</p> <p>13 Q. Where are those audio recordings?</p> <p>14 A. I don't know if I have them. I have not looked on my</p> <p>15 phone for that type of thing. It would be on my phone if</p> <p>16 I did have it. I can look at it and get back through my</p> <p>17 attorney with you on that, but at this time there may be</p> <p>18 nothing. I'm just -- I don't really recall.</p> <p>19 Q. How long have you had the phone that you currently have?</p> <p>20 A. Probably going on four years, if I'm right. It's my</p> <p>21 husband's account. I get my phone through him, so I would</p> <p>22 estimate it sometime around four years ago probably.</p> <p>23 Q. So you have had the same actual device for approximately</p> <p>24 four years?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. What kind of phone is it?</p> <p>2 A. It's a Samsung.</p> <p>3 Q. Is that the phone you used to make the video recordings</p> <p>4 that you have produced to us?</p> <p>5 A. Some of them maybe were on the chip that I did have on the</p> <p>6 other phone, maybe one or two of them. I'm not really</p> <p>7 sure which phone it was, but I know that there was --</p> <p>8 there were at least two of them made while I had this</p> <p>9 phone.</p> <p>10 Q. What other phone are you talking about?</p> <p>11 A. The one I turned in to get \$100 for the new phone because</p> <p>12 our contract was up.</p> <p>13 Q. What kind of phone was that?</p> <p>14 A. That was also a Samsung, but a later model, or earlier</p> <p>15 model.</p> <p>16 Q. You said something about a chip. Did you take that out of</p> <p>17 the phone before you turned it in?</p> <p>18 A. Yes, I did. They make you take it out because they wipe</p> <p>19 -- they wipe the phone clean at that point.</p> <p>20 Q. Where is that chip now?</p> <p>21 A. I have no idea, to tell you the truth. I'm sure it's</p> <p>22 somewhere, but I don't know exactly where.</p> <p>23 Q. You said you thought some of the video may have come from</p> <p>24 that chip. Why did you think that? Where would -- how</p> <p>25 would you have gotten it off the chip?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. I'm not really sure. I'm just saying that I don't really</p> <p>2 recall on the specifics that you are asking me on, if they</p> <p>3 were all on this phone or that, or if there were some on</p> <p>4 another phone. I'm just trying to -- trying to answer the</p> <p>5 question the best that I can, and I guess the only thing</p> <p>6 that I can say is I don't recall.</p> <p>7 Q. You don't recall where the chip is?</p> <p>8 A. It's somewhere, but we moved. I moved twice. We moved</p> <p>9 once. Well, I moved twice with him, too, actually from</p> <p>10 one --</p> <p>11 Q. All right. Whatever. So if all your video was 2017 and</p> <p>12 2018, that would be your new phone, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. But you don't recall, you may have done something</p> <p>15 with the old phone?</p> <p>16 A. No, I don't. I don't recall doing anything with it. I</p> <p>17 didn't do any kind of like a recording or a video like I</p> <p>18 did.</p> <p>19 This all was done to try to protect myself from</p> <p>20 being discriminated against, not only for what my</p> <p>21 testimony was, but because I was female, because the other</p> <p>22 males were allowed to do things, and they didn't get any</p> <p>23 type of write-up. They didn't get any write-up, talking</p> <p>24 to, days off, or anything. It was just directed</p> <p>25 specifically to me. You could tell it was specifically to</p>

19 (Pages 73 to 76)

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1 **me.**
 2 MS. AMTSBUECHLER: Okay. Mr. Drew, can we do
 3 something so we can get answers to the questions? Because
 4 otherwise we are not going to get through this in the
 5 seven hours required by the court rules. You're muted.
 6 You're muted.
 7 MR. DREW: Listen to the question and just
 8 answer the question, Lori.
 9 THE WITNESS: Okay.
 10 BY MS. AMTSBUECHLER:
 11 Q. So I have four videos. Two are in 2017 -- one is in '18
 12 and one is in '19. We just talked about two of them. The
 13 other two are in October of 2017. One was a Deputy Herman
 14 throwing -- allegedly you said something about throwing
 15 Grizzly chew into a can, and I think the video was of a
 16 trash can. Do you recall making that?
 17 **A. Yes.**
 18 Q. Why did you make that?
 19 **A. Because that's a violation of policy.**
 20 Q. Do you know if command knew about this?
 21 **A. Yes, they were aware of it. Several of them did it.**
 22 Q. Several of command did it?
 23 **A. Several of the deputies, one of the commands, they all**
 24 **chewed, even though it was the policy that there was no**
 25 **chew or tobacco in the facility.**

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1 **them do. And, you know, he was always just real**
 2 **nonchalant, nah, like, you know, they do it, don't worry**
 3 **about it.**
 4 Q. When was this conversation?
 5 **A. After I did the video.**
 6 Q. When?
 7 **A. I'm not sure of the date.**
 8 Q. Did you show him the video?
 9 **A. Yeah.**
 10 Q. So you showed Lieutenant Burns the video of the Grizzly
 11 chew in the trash can?
 12 **A. I don't recall showing it to him. I know I had showed it**
 13 **to my union rep, and he said let Lieutenant Burns know, so**
 14 **that's what I did.**
 15 Q. Did you show Lieutenant Burns the video?
 16 **A. I don't recall.**
 17 Q. Did you tell Lieutenant Burns you had the video?
 18 **A. Yes.**
 19 Q. So you told Lieutenant Burns that you had video on your
 20 phone of the chew in the trash can?
 21 **A. Yes, I did.**
 22 Q. Did you tell him that you took this video, and you thought
 23 it was from Deputy Herman?
 24 **A. Yes, I did.**
 25 Q. Was this the same conversation that you had where you were

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1 Q. Who in command do you believe was aware of the violation
 2 by Herman?
 3 **A. Several sergeants.**
 4 Q. Who?
 5 **A. Sergeant Griswold, Sergeant Smith at the time he was the**
 6 **sergeant, he knew about it, Sergeant Wood. Sergeant Wood**
 7 **actually chewed as well in that policy. Herman. There**
 8 **was a couple females, Brittany Miller chewed, and --**
 9 Q. Okay. That's not my question. My question was who do you
 10 believe in command was aware of Herman?
 11 **A. Oh, I'm sorry. It would have been Lieutenant Burns,**
 12 **Sergeant Burton-Jones, Sergeant Griswold. That's all I**
 13 **recall off the top of my head. I'm sure there were other**
 14 **ones.**
 15 Q. Did you report this violation that you found on October 7,
 16 2017?
 17 **A. I said something about it to Lieutenant Burns. I did not**
 18 **actually report it because he never actually said let me**
 19 **do a report on this. This is what you need to do. He**
 20 **just said, okay, Lori.**
 21 Q. What did you say?
 22 **A. I said: Isn't it funny how all these people can chew and**
 23 **there is a policy that says there is no chew on the**
 24 **premises, there is no tobacco, there is no smoking on the**
 25 **premises. And he said: Yeah, well, you know, a lot of**

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1 trying to show him Thielbar's video and it froze?
 2 **A. No.**
 3 Q. This would have been before that, right, because this was
 4 2017?
 5 **A. Right, yes.**
 6 Q. So is it your testimony -- how many conversations did you
 7 have with Lieutenant Burns about the fact that you had
 8 video of things that were going on in the jail?
 9 **A. Probably three times.**
 10 Q. When was the other time?
 11 **A. When Sergeant Smith made it the policy that all of the**
 12 **garbage had to be out of the office and had it to be**
 13 **cleaned before the other shift started, but that we would**
 14 **come in and everything would be full of garbage, and I**
 15 **didn't feel it was fair that he, you know, basically was**
 16 **yelling at us for doing something that the night half was**
 17 **not doing at all, so I -- and I told him that I was doing**
 18 **this because I was being retaliated against with different**
 19 **things, and that's why I was doing it. I wasn't just**
 20 **videoing for the fun of it.**
 21 Q. And when you told Lieutenant Burns you thought you were
 22 being retaliated against, what did he say?
 23 **A. He said: Well, Lori, you know, I don't know. I really**
 24 **don't hear much anymore. You know, do what you have got**
 25 **to do, and, you know, I hope -- I hope everything works**

20 (Pages 77 to 80)

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1 out basically.
 2 Q. Where was this third conversation with Burns? We have
 3 talked about two. Where was the third?
 4 A. It was in his office.
 5 Q. Okay. Were you ever disciplined for not cleaning up the
 6 trash, picking up things?
 7 A. No. We were given e-mails that we weren't doing our part
 8 to keep the office clean, and that was to everybody, but
 9 it wasn't just directly to me, no.
 10 Q. And were you ever disciplined or talked to about smoking
 11 or using tobacco?
 12 A. I don't use either one, so I wouldn't be reprimanded for
 13 that.
 14 Q. And you said other women deputies also chewed and smoked?
 15 A. Just -- just two.
 16 Q. Female deputies chewed?
 17 A. Yeah.
 18 Q. Okay. Were they disciplined, do you know?
 19 A. I don't know. I know the males weren't disciplined.
 20 Q. Did you ever make any other videos that we don't have
 21 besides the four that we have just talked about?
 22 A. No.
 23 Q. Did you ever see other people on their electronic devices
 24 that you didn't record?
 25 A. That they were videoing also?

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1 A. That is correct.
 2 Q. Okay. Now, you said Scott Smith has video of people on
 3 his phone?
 4 A. Yes. He had Brittany Miller on his phone.
 5 Q. How do you know that?
 6 A. Because he showed me.
 7 Q. What did he have of Brittany Miller on his phone?
 8 A. How she told the trustees to bring the trays out. They
 9 missed a bunch of trays. He explained that he had to pick
 10 up 27 more and that she doesn't ever do her job, and she
 11 is -- there is a big bag of garbage out by the -- when
 12 they let them through the first door, the trustees, there
 13 is a big bag of garbage there, and when she comes out of
 14 the office and she grabs and --
 15 Q. How do you know this, is my question. Did he show it to
 16 you?
 17 A. Yes, he showed me it.
 18 Q. Did he tell you -- did he tell you why he had it?
 19 A. Yeah, he was -- he was upset because she didn't pick up 27
 20 trays, and that how dare she, instead of go down, take
 21 that garbage down and out like she should, because she was
 22 a night officer, that she threw it back into a pile that
 23 it didn't even come from.
 24 Q. Okay. All right. Switching gears here a little bit, you
 25 worked with Nate Stephenson in 2019, correct?

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1 Q. No, other people -- no. You said that these people,
 2 Thielbar and the other one were violating policy by being
 3 on their phones so you took videos of them. Did you ever
 4 see --
 5 A. No --
 6 Q. -- anybody else --
 7 A. Oh, yes, I saw lots of people on theirs.
 8 Q. Why didn't you record them?
 9 A. Probably because I wasn't able to do that at that time.
 10 Maybe I was busy moving somebody, but I saw them, or I was
 11 doing something on my computer, glanced over, looked at
 12 the screen and saw them.
 13 Q. Did you tell these people you were recording them?
 14 A. I didn't record them.
 15 Q. You were video recording them. Did you tell them you were
 16 video recording them?
 17 A. Deputy Lynn and -- is that what you are talking about?
 18 And Deputy Thielbar, which I didn't video -- I videoed off
 19 the video of the screen, so I didn't actually video like
 20 him out there. I videoed off the screen.
 21 Scott Smith has videos on his device. There is
 22 several officers that have videos on their device that
 23 they show.
 24 Q. So your answer is no, you didn't tell Thielbar or Lynn
 25 that you had video of them; is that correct?

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1 A. Yes, for a while I did, yes.
 2 Q. Were you working with him in January, February, March,
 3 April?
 4 A. Of 2019?
 5 Q. Correct.
 6 A. Well, I was on a special unit. I just did certain things,
 7 but I would have to ask them to open doors and so forth so
 8 that I could do my job, so I did interact with him, but I
 9 didn't like work side by side with him at that point.
 10 Q. Did there come a time when you learned that he thought
 11 that you had reported that he was sleeping on the job?
 12 A. Yes.
 13 Q. And how did you learn that?
 14 A. Because he wouldn't open the doors to allow me to bring in
 15 commissary to the floor, and I had asked him a couple
 16 times, I ran back, you know -- there is a little
 17 pass-through window. I went back, I believe, once and
 18 said: Hey, Nate, can you open -- pop key up and open the
 19 door so I can do commissary? And he didn't respond, and
 20 then the trustee went over there a couple times on his own
 21 and says: Hey, Stephenson, can you open the door for
 22 Deputy Johnson? And he said: Yeah, yeah, I will get to
 23 it. And then later on he called me an F'ing bitch and an
 24 F'ing snitch for saying that he was sleeping.
 25 Q. Okay. So if I understand you correctly, you are saying

21 (Pages 81 to 84)

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1 that you learned that he thought you reported him because
 2 he wasn't opening doors fast enough, and you thought that
 3 that was because he thought you reported him, and then he
 4 called you a snitch and a bitch?
 5 **A. With the F word in front of it, yes.**
 6 **Q. Okay.**
 7 **A. He was told by Sergeant -- at the time he was a sergeant**
 8 **and he was going for jail administrative class, but he was**
 9 **called by Sergeant Smith at that time and told not to**
 10 **trust me because I had written in my daily that I think**
 11 **that he appeared to be sleeping while I was waiting for**
 12 **those laundry trustees so that I could take them down the**
 13 **stairs to do their job. And I learned that from actually**
 14 **another female that was there that day, Marcie Neal, and**
 15 **she is the one who told me that Matt Smith, who called**
 16 **after I left and said: You need to watch yourself. You**
 17 **know, if you were sleeping or you were dosed off,**
 18 **whatever, watch yourself when she is around, because she**
 19 **is putting it in her dailies.**
 20 **Q. So these dailies, should they be at the department if we**
 21 **were to go get them?**
 22 **A. They should be, yes.**
 23 **Q. Okay. And did you write that in your daily?**
 24 **A. I wrote that it appeared as though he possibly was**
 25 **sleeping or mediating, I believe I used the word, because**

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1 **A. It was approximately around the -- I know it was a Sunday.**
 2 **I want to say around the 20 -- somewhere in the 20s, late**
 3 **20s of March, maybe the 24th, 23rd, somewhere in there.**
 4 **Q. 2019?**
 5 **A. Yes.**
 6 **Q. And when he said F'ing snitch, did he say fucking or did**
 7 **he say F'ing?**
 8 **A. He said fucking.**
 9 **Q. Okay. And did you tell anybody he had said this to you,**
 10 **anybody in command?**
 11 **A. Yes, I went down -- I had asked him to put the trustees**
 12 **away and let me through the door so I could go on to the**
 13 **elevator. I went downstairs. Sergeant Griswold had left**
 14 **early, so it was Sergeant Stevens, and I told him I wanted**
 15 **to make a complaint about the unbecoming conduct, and the**
 16 **words he used to me in front of the trustees, that it's**
 17 **not appropriate, and I was told that there was nothing he**
 18 **could do about it, when he went like this, there is**
 19 **nothing I can do about it. You will just have to tell the**
 20 **lieutenant tomorrow. And I said: What do you mean you**
 21 **can't do anything about it? Do I have to sign --**
 22 **handwrite something, do I need to go on the computer, are**
 23 **there forms? Do I need to go through the union? What do**
 24 **I need to do? And he said: I don't know. There is**
 25 **nothing I can do about it. You will have to talk to the**

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1 **he had called for them, and then when I came back and was**
 2 **just kind of standing with my back waiting, and I kind of**
 3 **took a couple steps away, came back, he had his chin down**
 4 **and his eyes closed. So I actually waited about 30 more**
 5 **seconds, and I said: Nate, could you make sure through**
 6 **the pass door? And he goes: Oh, yeah, yeah. They aren't**
 7 **out yet? And I said: No, they are not out yet. And so**
 8 **that's what I put in there, because they told me to note**
 9 **everything that I did.**
 10 **Q. So you thought he was upset because he called you an F,**
 11 **what was it again?**
 12 **A. He called me an F'ing snitch and an F'ing bitch.**
 13 **Q. Where did this conversation take place?**
 14 **A. Well, when he called me an F'ing snitch, he was talking**
 15 **through the hatch. It's like a bank teller hatch, and**
 16 **when he called me that, I had four trustees with me**
 17 **because they assist in doing the commissary. On the days**
 18 **that we do clothing, they assist on changing the clothing**
 19 **out and the bedding, and so they were right there. And**
 20 **they said: Wow, Ms. J, what is wrong with him? And I**
 21 **said: I have no idea. Because after he --**
 22 **Q. When was this?**
 23 **A. It was during the afternoon when I was trying to pass**
 24 **commissary into Pod P.**
 25 **Q. Okay. Can you recall the date?**

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1 **lieutenant tomorrow.**
 2 **Q. Okay. And you said that he also called you a fucking**
 3 **bitch. When was that in relation to the other comment?**
 4 **A. That was when I came back up to the floor to start my job**
 5 **again; however, they were starting to feed the lunch to**
 6 **the inmates, so I had to stop. So I went into the office**
 7 **to get my commissary paperwork that had been signed so**
 8 **that I could put it in a box for Kathleen, because she did**
 9 **-- or not Kathleen, I'm sorry, for Jeanie, because she did**
 10 **all of the paperwork for that. So when I walked in, he**
 11 **turned his head, and he goes: You fucking bitch. And I**
 12 **went all righty, so I went over, got my stuff, and I said:**
 13 **Could you let me out, please?**
 14 **Q. And did you go home from there or did you continue**
 15 **working?**
 16 **A. No, I didn't go home, no. I went down and put the stuff**
 17 **in the old jail where it needed to be under Jeanie's**
 18 **stuff, and made sure it was all in alphabetical order and**
 19 **so forth, because at that point in time I could not do**
 20 **anything on the floor because of the mail being done.**
 21 **Q. Okay. So let me make sure I understand this. I think it**
 22 **was March 24th, you said it was sometime in the late 20s,**
 23 **March 2019, he called you a fucking snitch. You went to**
 24 **Stephens, you came back, and he called you a fucking**
 25 **bitch; is that how it happened?**

22 (Pages 85 to 88)

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<p style="text-align: right;">Page 89</p> <p>1 A. Well, I came back, and I -- because I actually got to do J 2 and I believe K pod before the meal came up, and then I -- 3 Q. I'm just trying to understand the order of things. Was 4 that the order of things? 5 A. Yes, that is the order of things. I came back, and when I 6 came into the office, because they were starting their 7 meals, I had to come in, and I thought, well, I will just 8 get the stuff and I will run it down. I didn't realize he 9 was going to call me a fucking bitch when I walked in, and 10 so I just grabbed it and went downstairs. 11 Q. Okay. So let me ask you another question. Again, we will 12 get through this a lot more quickly if we proceed with 13 questions and answers. If you want to just talk, that's 14 fine. I can let you do that, but -- 15 A. I don't want to just talk, ma'am. I am not trying to do 16 that. I apologize. 17 Q. Okay. All right. 18 A. I just want you to be able to understand the answer, 19 because some of them aren't just a yes or no, so I 20 apologize. 21 Q. Did you believe that Stephenson called you these names 22 because he thought you had reported or written in your 23 daily that he was sleeping? 24 A. Yes, I do. 25 Q. Did you meet with Lieutenant Burns the next day?</p>	<p style="text-align: right;">Page 90</p> <p>1 A. Yes. 2 Q. What happened then? 3 A. I told him I wanted to make a formal complaint. He said: 4 Oh, Lori, you know, we are just like family, like brothers 5 and sisters. There is going to be fights and 6 disagreements, and, you know, we see each other sometimes 7 more than we do our own families, and I will talk to Nate. 8 Don't worry about it. I will talk to Nate. 9 Q. And when you talked to Burns, I think you told him that 10 Nate had also made a comment, I have got you now. Did 11 Nate make that comment? 12 A. Yeah. 13 Q. When did Nate -- 14 A. Yes, he did. 15 Q. When did Nate make that comment in the order -- 16 A. Directly after he called me an F'ing snitch or a fucking 17 snitch, if you want me to say the word for the record. 18 I'm sorry, I don't like to really say that too much. So 19 yeah, when he said that to me, he went, I got you, I got 20 you, I got you, like he was 12, and I'm like, okay. 21 Q. Okay. 22 A. I was just trying to do my job. 23 Q. How long were you talking to Burns that day on the 25th? 24 A. I could estimate it at maybe 10 to 20 minutes. 25 Q. Was that around 2 o'clock that you went to talk to him?</p>
<p style="text-align: right;">Page 91</p> <p>1 A. I don't recall the time. I knew it was when I had a 2 chance to be able to meet with him and that he was 3 actually in his office. 4 Q. Was it the afternoon? 5 A. Possibly early afternoon maybe when they were -- maybe 6 when we were doing chow, so it could have been, yeah. It 7 could have been anytime between 12:15 and 2:00-ish 8 probably. 9 Q. Had you gotten along with Nate prior to this incident 10 where he did this presumably because he thought you were 11 sleeping? Or I'm sorry, could -- 12 A. Yeah, we got along fairly well, yes, I would say, you 13 know. I mean we had a little bit of a discussion sometime 14 prior to that where I didn't agree with what he was 15 saying, and we got -- he wasn't understanding what the 16 deputy was trying to -- trying to give him as information 17 at shift change, so I was trying to clarify it, and so we 18 kind of talked over each other and got a little bit -- 19 Q. You got through that? 20 A. Yeah, we got through that, yeah. 21 Q. Okay. And I misspoke in my last question, but apparently 22 you were tracking with me anyway. I didn't mean to say 23 that he thought you were sleeping. He thought you 24 reported that he was sleeping, but -- 25 A. I'm sorry. I can't --</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. I think I mis -- 2 A. The heat or the registers are on in here, so it's hard to 3 hear at this point. 4 Q. All right. I'm going to -- can you hear me better now? 5 A. Yes, I can. 6 Q. Okay. I will make sure I'm clear. 7 A. Okay. 8 Q. So when in relation to your conversation with Lieutenant 9 Burns did you make the phone call that was recorded by 10 Deputy Boike? 11 A. Well, I wasn't aware at that time that I was recorded by 12 Deputy Boike. 13 Q. When did you make the, in relation to the conversation 14 with Lieutenant Burns did you make the recording -- I mean 15 make the phone call? 16 A. I made the phone call prior -- after talking with Sergeant 17 Stephens and knowing that I had to go up and try to get my 18 job done on the floor. 19 Q. Okay. So you had the phone call that was recorded. That 20 was after you talked to Stephens, and that was on the 21 24th, correct? 22 A. I believe it was on the 24th, yes, the 23rd, 24th, 23 somewhere in there. 24 Q. It was the same day you talked to Stephens? 25 A. The same day that Stephens -- Sergeant Stephens said,</p>

23 (Pages 89 to 92)

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<p style="text-align: right;">Page 93</p> <p>1 yeah, he couldn't do anything. I would have to talk to</p> <p>2 the lieutenant. It was very frustrating.</p> <p>3 Q. Were you upset?</p> <p>4 A. Yes. It was very frustrating.</p> <p>5 Q. You were frustrated and upset when you left your</p> <p>6 conversation with Stephens; would that be accurate?</p> <p>7 A. Yes, it would be.</p> <p>8 Q. So did you go directly into the control area from the</p> <p>9 conversation with Stephens, the area where Boike was?</p> <p>10 A. Boike was not in that area when he recorded me, he was on</p> <p>11 the third floor, and that was during the time that they</p> <p>12 were down for feeding. He was at the command post where</p> <p>13 the other officer was out doing the feeding of the</p> <p>14 inmates, and I went up there because I had to use the</p> <p>15 restroom, so I used the restroom, and then I made a call.</p> <p>16 The door was shut. It was 12 foot away from the where</p> <p>17 Boike was. There were buzzers going off. There were</p> <p>18 alarms going off. He was asking people to lockdown. I</p> <p>19 had the door shut, went to the bathroom, and made a phone</p> <p>20 call.</p> <p>21 Q. All right. Let's try to go question and answer here if we</p> <p>22 could. So you left the conversation with Stephens. Where</p> <p>23 did you go?</p> <p>24 A. To the third floor office.</p> <p>25 Q. What room in the third floor did you go to?</p>	<p style="text-align: right;">Page 94</p> <p>1 A. I walked in the door of the office, and I directly turned</p> <p>2 left and went into the bathroom shutting the door behind</p> <p>3 me.</p> <p>4 Q. What room was that?</p> <p>5 A. A bathroom.</p> <p>6 Q. The room that the bathroom was in was what room?</p> <p>7 A. It would -- I think it would be called the bathroom. It's</p> <p>8 right to the left as you walk in, and then you go up two</p> <p>9 steps, and there is -- it's quite a large room, and there</p> <p>10 is the command with all the -- it's what we call the</p> <p>11 command spot where you had all the computers in front of</p> <p>12 you, and you were running, opening doors and closing doors</p> <p>13 and so forth like that, and then there is another</p> <p>14 probably, approximately, I would say six to eight feet to</p> <p>15 the left there is another station for officers.</p> <p>16 Q. All right. Stop for a second. The bathroom was in the</p> <p>17 room that was the command room; is that accurate?</p> <p>18 A. It was in the office. I don't know. I called them</p> <p>19 offices. There is a master control in the new jail, and</p> <p>20 then there is a receiving, and then there is a first</p> <p>21 floor -- or, I'm sorry, the second floor and the third</p> <p>22 floor, and I went to the third floor at that time. He</p> <p>23 opened the door for me to enter. I said: Hi, Boike --</p> <p>24 Q. Please, let's go question and answer, okay? I was just</p> <p>25 trying to get a common term that we could use to describe</p>
<p style="text-align: right;">Page 95</p> <p>1 the room. So we can refer to it --</p> <p>2 A. So it's a bathroom from what I understand, it would be a</p> <p>3 bathroom, but it is within the office.</p> <p>4 Q. Within the office where the command desks are located, is</p> <p>5 that a good way to describe it?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And Boike was at one of the command desks --</p> <p>8 A. Yes.</p> <p>9 Q. -- is that accurate?</p> <p>10 And it's your testimony that you went right into the</p> <p>11 bathroom; is that accurate?</p> <p>12 A. That is correct.</p> <p>13 Q. Did you see Boike before you went into the bathroom?</p> <p>14 A. Yes. As I walk in, I can see him at the control. He</p> <p>15 looked at me, and I said: Thanks, Boike. I just have to</p> <p>16 use the bathroom.</p> <p>17 Q. So you knew he was there, right?</p> <p>18 A. Correct, he was running the controls, yes.</p> <p>19 Q. And had you been in that bathroom before?</p> <p>20 A. Several times.</p> <p>21 Q. So you are familiar with the bathroom, you are familiar</p> <p>22 with the door, and the layout and all that, right?</p> <p>23 A. Yes, I am.</p> <p>24 Q. Okay. And you went into the bathroom and you shut the</p> <p>25 door, right?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Correct, yes.</p> <p>2 Q. Did you have any other conversation with Boike before you</p> <p>3 went into the bathroom other than to say I just have to</p> <p>4 use the bathroom?</p> <p>5 A. No, because Deputy Boike normally works nightshift, so I</p> <p>6 don't see him unless I happen to be there while the</p> <p>7 officers on duty on that particular floor are briefing</p> <p>8 him, but I was just being polite and saying: Hey, Boike,</p> <p>9 thank you. I am just going to use your bathroom.</p> <p>10 Q. Did he respond?</p> <p>11 A. No, he was actually answering buzzers. There were</p> <p>12 intercom calls, and he was answering those and trying to</p> <p>13 lock the upper tier down so the lower tier could eat, or</p> <p>14 whichever tier was supposed to be out, so he was pretty</p> <p>15 busy.</p> <p>16 Q. So he was busy working at that desk, right?</p> <p>17 A. Yes.</p> <p>18 Q. All right. Did you have on a duty belt?</p> <p>19 A. No. I don't wear a -- I never wore a duty belt. I just</p> <p>20 always wore my belt to my trousers, and that's where I put</p> <p>21 my things. Some of the deputies did have duty belts that</p> <p>22 are clip-ons so that -- but it wasn't -- I don't think it</p> <p>23 was necessary. There were several of us, especially --</p> <p>24 Q. Okay. I just was asking if you had it, that's all.</p> <p>25 A. Yeah, no, I didn't have one, no.</p>

24 (Pages 93 to 96)

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1 Q. So when you went into the bathroom, what did you do?

2 **A. I went to the bathroom, flushed the toilet, turned on the**

3 **water. While I was washing my hands, I made a phone call.**

4 Q. When did you start making the phone call, before you went

5 to the bathroom or after you went to the bathroom?

6 **A. I believe it was while I was -- while I was using the**

7 **bathroom, and then through that point.**

8 Q. So you started making the call before you started going to

9 the bathroom?

10 **A. Yes.**

11 Q. So you were holding onto the phone while you were going to

12 the bathroom?

13 **A. Yes.**

14 Q. And you were holding onto the phone while you were washing

15 your hands?

16 **A. I had it crimped on my neck.**

17 Q. How long did that all take?

18 **A. I really don't know for sure.**

19 Q. Were you -- would it be fair to say you were talking loud?

20 **A. No, I was talking normal.**

21 Q. Okay. Were you upset --

22 **A. I mean I do -- I have a loud voice. I'm not soft spoken,**

23 **but I wasn't like yelling or anything.**

24 Q. While you were in there, could you hear Deputy Boike

25 outside in the outside area doing the work that he was

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1 doing?

2 **A. No, I couldn't hear what he was doing. I could hear**

3 **buzzers and things like that in the distance, but I had**

4 **the door shut, so I don't know really -- I couldn't tell**

5 **you what he was doing at what time.**

6 Q. Could you hear him talking at all?

7 **A. Not really. I think I heard him a couple times say, you**

8 **know, come on, lockdown, guys, what are you doing. That**

9 **was about it, otherwise it was we have an intercom call**

10 **and we have a door breach, a lot of noise like that.**

11 Q. Did you give any thought to whether he could hear you in

12 the bathroom?

13 **A. I felt an expectation of privacy while I was in the**

14 **bathroom with the door shut, and I was talking in my**

15 **regular voice, like I am with you right now, and I don't**

16 **believe that through everything else that -- unless he was**

17 **right up at the door of the bathroom, that he would be**

18 **able to hear me.**

19 Q. My question was when you were in there, were you thinking

20 at all about whether or not he could hear you?

21 **A. I wasn't specifically thinking of that, no. I had an**

22 **expectation of privacy, so I wasn't thinking, oh, I wonder**

23 **if Boike can hear this. I assumed he couldn't because the**

24 **door was shut. The water was running. The toilet was**

25 **flushed. You know, I'm -- so I guess --**

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1 Q. When is the last time you have heard -- when is the last

2 time you listened to that video?

3 **A. They only gave me a two-minute clip of it, and that was**

4 **after the Loudermill meeting by about a week, I think, or**

5 **a week-and-a-half, because first the sergeant said -- or**

6 **the captain said he didn't have any type of recording, it**

7 **was just a deputy that was concerned, and then at the end**

8 **he said: Well, I better tell you there is a recording.**

9 **And I said: Well, can I get a copy of that recording?**

10 **And he said: Well, I don't have it, but I will talk to**

11 **the sheriff about it.**

12 Q. Did you listen to it?

13 **A. The two-minute clip that he sent me?**

14 Q. Have you listened to the audio, have you listened to it or

15 not?

16 **A. Not the complete thing, no, just a two-minute clip of it.**

17 Q. Why do you think there is more than what you have?

18 **A. Because -- or when this all was going on, when they**

19 **decided to make an issue of this, and didn't do anything**

20 **about Nate Stephenson, I was told by Deputy Riddle that it**

21 **was probably almost a seven-and-a-half, eight-minute**

22 **recording, and that he could hear somebody in the**

23 **background, but he could not make out anything. The thing**

24 **that he heard was like it was close to the command video**

25 **or the main video where Boike would be working saying you**

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1 **have an intercom call, you have a door breach, and him**

2 **saying, you know, lockdown, and door is shutting and**

3 **locking, and there is a click when they lock them, and he**

4 **said I know that -- I didn't know it was you at the time,**

5 **but I knew somebody was talking, but I couldn't make**

6 **anything out, so there is nothing to this, Lori. This**

7 **is -- this video, it doesn't show anything.**

8 Q. Where is that two-minute clip? Did you get to take one

9 with you or did you just listen to it at the sheriff's

10 office?

11 **A. The two-minute clip -- the two-minute clip he sent to an**

12 **e-mail at work for me.**

13 Q. Do you still have that?

14 **A. Yeah, I have the actual clip because they let me transfer**

15 **it to my phone so that I could have it, I guess.**

16 Q. When is the last time?

17 **A. On that phone.**

18 Q. When is the last time you listened to that?

19 **A. Probably a year ago.**

20 Q. Okay. Now, you said that you could hear on that that

21 Boike was at the command desk doing command?

22 **A. No, no, I couldn't hear where he was. I had the door shut**

23 **with the water running. I assumed he was somewhere around**

24 **where he should be, but I have no idea where he was**

25 **because the door was shut.**

25 (Pages 97 to 100)

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1 Q. All right. So if he was right up next to the door with
2 his phone recording you, would he be able to be typing on
3 the keyboards at the control desk?
4 **A. He doesn't have to type at a keyboard on a control desk.**
5 Q. Were there keyboards right up next to the door that he
6 could be typing on at the same time he was --
7 **A. He didn't -- at that time -- you are misunderstanding.**
8 **I'm sorry. He would just click the button, and then he**
9 **would click it to talk if he needed to, and I don't know**
10 **if there was a time where he let that just go and then**
11 **went somewhere else in the area or not, because again, the**
12 **door was shut. I was near the running water. I did not**
13 **go in like close to the door at that time or anything.**
14 Q. I'm asking you a different question. I'm asking you a
15 different question.
16 **A. Okay. I'm sorry.**
17 Q. Do you think it would be physically possible for him to be
18 standing near the door and also working the desk?
19 **A. The answer would be no, but he doesn't -- it doesn't -- he**
20 **doesn't type or anything, so he could have walked away**
21 **from the desk, yes, most definitely, and been at the door**
22 **possible. I don't know. He's not just stuck to that**
23 **area. I mean I don't know how else to explain it. I'm**
24 **sorry.**
25 Q. When you walked out of the bathroom, where was he?

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1 way.
2 Q. Really?
3 **A. So yeah, I do see it now, main door.**
4 Q. Okay. And that's where you walked in and you walked into
5 the bathroom; is that your testimony?
6 **A. Yes.**
7 Q. Okay. And you shut the door, right?
8 **A. Yes.**
9 Q. What was the door made out of?
10 **A. Some type of metal. I have no idea.**
11 Q. It's a metal door then, right?
12 **A. Yes.**
13 Q. Okay. Heavy metal door?
14 **A. It wasn't light, no, but --**
15 Q. You shut it all the way, right, you shut it tight?
16 **A. Yes, I shut it and locked it.**
17 Q. And then you went over to the toilet, you took down your
18 pants, and you started to go to the bathroom?
19 **A. Yes.**
20 Q. And on the way in, by the way, I missed this, but you
21 acknowledged Boike, you said, hey, I'm here, I'm going to
22 the bathroom, right?
23 **A. Yes.**
24 Q. And which desk was Boike at, he was this big one over here
25 on the left or the one on the right with the three little

Page 102

1 **A. When I walked out of the bathroom, he was at the smaller**
2 **desk. He was walking -- he was getting up to walk, it**
3 **looked like to me, so there is the desk where he stands**
4 **up, and then right alongside of it there is a shorter**
5 **desk, where if he had time once lunch was over or dinner,**
6 **whatever it may be, where he had time, he types in some of**
7 **his activities or maybe looks at some parts for sale for**
8 **his car or any number of things.**
9 Q. All that when you walked out of the -- all that -- you saw
10 all that when you walked out of the door?
11 **A. When I walked out of the door, he was -- he looked like he**
12 **was getting up from that smaller area, and I said:**
13 **Thanks, Boike. And he got up the rest of the way. He**
14 **ended up to the left so that he could open the door for**
15 **me, because that's the only way I could get out it.**
16 MARKED FOR IDENTIFICATION:
17 DEPOSITION EXHIBIT 12
18 11:59 p.m.
19 BY MS. AMTSBUECHLER:
20 Q. Okay. So let's back up and go through this with this
21 drawing, which I have marked as Exhibit Number 12. I will
22 represent to you that it was drawn for me by Boike. Okay.
23 So at the bottom of this you see there is a main door. Do
24 you see that? It says main door. It's kind of faint.
25 **A. Well, there is a thing that says from Jodie Chapa in the**

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1 screens?
2 **A. He was on the right with the screens.**
3 Q. So he was over here on the right-hand side?
4 **A. Yes.**
5 Q. Okay. So you walked in, you went to the bathroom. He was
6 there. You, while you were in there --
7 **A. What's the square?**
8 Q. I'm sorry?
9 **A. I'm not sure what that square is right there.**
10 Q. I don't know. Let's continue on.
11 **A. Maybe it's a pillar. I think it's a pillar. Thank you.**
12 **I was just trying to figure out --**
13 MR. DREW: Can we get some clarification,
14 because I see both desks on the right-hand side, one upper
15 right and one lower right. Which right is she talking
16 about?
17 MS. AMTSBUECHLER: I think she said the one with
18 the three, but we can clarify that.
19 BY MS. AMTSBUECHLER:
20 Q. Are you talking about the one with the three, I think
21 those are three screens, is that what it was?
22 **A. Yeah, but I do have to say this drawing is**
23 **disproportionate, because that is over more to the left.**
24 **The computer to the left is over much more than what he**
25 **has it. He has them almost like they are touching. They**

26 (Pages 101 to 104)

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1 are along -- I don't know. I don't know how he's trying
 2 to depict that actually.
 3 Q. Well, I didn't ask him to do it to scale. I'm just trying
 4 to get an idea of where everything was in the room so we
 5 had a point of reference.
 6 A. Okay.
 7 Q. All right. So --
 8 A. Sure.
 9 Q. -- you walk in the main door. On your way in, you say to
 10 him, hey, I'm here, I'm going to the bathroom, right?
 11 A. No, I didn't say hey, I'm here. I just said: Hey,
 12 thanks. I'm going to use your bathroom. I didn't say
 13 hey, I'm here.
 14 Q. All right. And then you go into the bathroom, right?
 15 A. Yes.
 16 Q. You shut the metal door, the heavy metal door?
 17 A. Yes.
 18 Q. Okay. And you could not hear what he was doing out there
 19 while you were inside the bathroom, right?
 20 A. Not really. Sometimes you can hear -- it depends on their
 21 voice and -- but I really couldn't make out what he was
 22 saying. I knew he was trying to talk to -- I knew he was
 23 trying to do his dinner, and I know what happens during
 24 dinner, that he has to talk to them to lock down so the
 25 other one can, too --

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1 can tuck this top part up and have the speaker to the
 2 phone or what I am talking into, I guess, I call it a
 3 speaker, pretty close to the edge of my mouth.
 4 Q. And you washed your hands, and then what did you do?
 5 A. I left the water running because I was not done with the
 6 call yet.
 7 Q. Okay.
 8 A. So I just stood by the sink with the water running.
 9 Q. I'm sorry, you stood by the sink with the water running
 10 while you were on the call?
 11 A. Yes, yes.
 12 Q. And so the water kept running after you washed your hands?
 13 A. Yes.
 14 Q. Why did you do that?
 15 A. Because I was actually trying to clean the sink out, I
 16 guess, is what I -- you know, and I washed my hands, and
 17 then I took a piece of paper toweling, and I was wiping
 18 around the top and the handles, and it was pretty grody,
 19 so I was kind of doing the bowl of it.
 20 Q. And the water was still running?
 21 A. Yeah, so that I could keep everything flowing because it
 22 was pretty -- it had some stuff in it, and I didn't want
 23 to just shut the water off, turn it back on and shut the
 24 water off, turn it back on. While I was doing it, I just
 25 left it running so that I could kind of, you know, swish

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1 Q. Could you hear him or could you not hear him?
 2 A. No, no, I really couldn't hear his voice, no. I heard the
 3 noises.
 4 Q. Okay. So you heard noise out there, but you could not
 5 hear what he was doing; is that accurate?
 6 A. That is accurate, yes.
 7 Q. All right. So you went over to the toilet. You took down
 8 your pants to go to the bathroom, right?
 9 A. Yes.
 10 Q. Okay. And at some point there you started making the call
 11 or did you do it before you started taking down your pants
 12 to go to the bathroom?
 13 A. Before I sat down, I started making the call that is in
 14 question.
 15 Q. You sat down, you started making the call, right?
 16 A. Yes.
 17 Q. And you continued that call as you got up and did up your
 18 pants and went to wash your hands, right?
 19 A. Yes.
 20 Q. And so you said -- I think you testified you tucked your
 21 phone under your chin so you could do that; is that what
 22 you did?
 23 A. Yeah, kind of the crook of your neck like this, and then
 24 it's kind of right here, you know, a little bit towards
 25 the mouth, so I have a long -- the phone is longer, so I

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1 it down with the paper towel, and then rinse the paper
 2 towel if I needed to and then swish some more.
 3 Q. And so you grabbed a couple paper towels while the water
 4 was running so you could do that?
 5 A. Yes.
 6 Q. All right. And then at some point you turned the water
 7 off?
 8 A. Yeah, I --
 9 Q. At some point turned the --
 10 A. Yes, I did turn the water off.
 11 Q. Then what happened?
 12 A. I turned the water off. I ended my conversation. I
 13 opened the door, and that's when Boike was like he was
 14 getting up from the computer, the small computer, and he
 15 said -- I think he said something like are you all set
 16 then? And I go, yep, you can let me out, and that was the
 17 extent of it, and then I left the floor.
 18 Q. So he was getting up from, you say, the small computer.
 19 Where was that, which one was it, the same one he was at
 20 when he came in -- when you came in?
 21 A. No, he was at the larger, the three computers, and then
 22 there is a computer over here on this little part, yeah,
 23 right in there, not quite that far. The computer is more
 24 like around there.
 25 Q. All right. So let me make sure I understand this. When

27 (Pages 105 to 108)

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1 you came in, he was at the one we see on this drawing with
 2 the three, and when you came out he was -- and again, I
 3 understand it's not to scale, but you're saying he was
 4 down in this area, which there is just one little one off
 5 on the right-hand side?
 6 **A. Uh-huh.**
 7 **Q. Okay.**
 8 **A. He was getting up from that, and when I came out, he said,**
 9 **you all set, and I said, yeah, from what I recall.**
 10 **Q. You are saying the area that I marked in yellow is where**
 11 **he was when you came out; is that right?**
 12 **A. Yeah. That's not a correct drawing, but yeah, he was in**
 13 **kind of that area just a little closer to the other way --**
 14 **Q. Was there a computer there?**
 15 **A. -- yes.**
 16 **Q. Was there a computer there?**
 17 **A. There was a computer there, yes. Yes, there is a small**
 18 **computer -- well, it's a regular-sized computer. This one**
 19 **is a large screen and then there is two smaller screens,**
 20 **and it picks up the whole floor. It was schematics where**
 21 **you can see into the security cells and so forth, so**
 22 **that's where he started out when I first came in.**
 23 **Q. Did you ever -- do you know whether or not he was ever up**
 24 **next to the door? Did you ever observe him --**
 25 **A. I have -- I have no idea whether he was up next to the**

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1 **door. He could have been. I have no idea because the**
 2 **door was shut, and obviously I wouldn't know that he was**
 3 **out there.**
 4 **Q. Who were you talking to on the phone?**
 5 **A. I was talking to my husband at the time.**
 6 **Q. What was -- what is your phone number now?**
 7 **A. 231-457-3661.**
 8 **Q. And that's the same cellphone you had then, correct?**
 9 **A. Yes, I believe so. There is times that I take my**
 10 **husband's. We have the same exact phone, same exact case,**
 11 **but that day I believe I was on my phone, to the best of**
 12 **my knowledge, yes, it wasn't his.**
 13 **Q. What phone number did your husband have at the time?**
 14 **A. 457, same area code, 3669.**
 15 **Q. You said sometimes you would take your husband's phone by**
 16 **accident?**
 17 **A. Yeah. We have the same exact phones with the same exact**
 18 **cases, and sometimes in the morning he would be up**
 19 **throwing some stuff into my lunchbox for me, because he's**
 20 **a great husband, and he would lay his close or on the**
 21 **other side of my lunchbox, and I would think it was mine,**
 22 **and I would grab it and I would throw it in my pocket, and**
 23 **off I would go.**
 24 **Q. Do you have any reason to believe you had his phone on**
 25 **this day?**

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1 **A. No, I didn't, I didn't have his phone on this day. I**
 2 **don't have any reason to believe I did, no.**
 3 **Q. If you called him, you would have had trouble calling? I**
 4 **mean it wouldn't have made sense, right?**
 5 **A. Right, it would wouldn't have went through.**
 6 **Q. So are you sure you were talking to him?**
 7 **A. Well, I had talked to -- I had talked to Chris Riddle. He**
 8 **was up -- he was not in the office that day. He was up**
 9 **north, and I had left him a voicemail, and then I had text**
 10 **him, and he called me later on in the day. I did try to**
 11 **call --**
 12 **Q. My question was are you sure it was your husband you were**
 13 **talking to --**
 14 **A. Yeah, I'm sure it was.**
 15 **Q. Let me finish the question.**
 16 **A. Okay. I'm sorry.**
 17 **Q. Are you sure it was your husband you were talking to while**
 18 **you were in the bathroom?**
 19 **A. Yes.**
 20 **Q. Okay. Now, do you recall being asked about who you were**
 21 **talking to at some point by command?**
 22 **A. By Captain Brown, he asked me who I had talked to that**
 23 **day, and I said I talked to a lot of people, you know. I**
 24 **mean when, how, where?**
 25 **Q. Let me be more specific, let me be more specific.**

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1 **A. Okay.**
 2 **Q. Do you recall being asked by anybody in the sheriff's**
 3 **command who you were talking to during this phone call in**
 4 **the bathroom?**
 5 **A. Captain Brown.**
 6 **Q. Okay. Did you tell Captain Brown that you did not recall**
 7 **who you were talking to?**
 8 **A. Yes, because I did not at that time.**
 9 **Q. How is it that you now know that it was your husband that**
 10 **you were talking to?**
 11 **A. Because he was talking about the entire day, is how I**
 12 **understood it, and so I just said several people, probably**
 13 **maybe my mom. I said maybe -- I said I know I talked to**
 14 **Chris Riddle. I know I tried to call my attorney, and I**
 15 **talked to several -- you know, sometimes I talk to my --**
 16 **my daughter would call. She lives up north.**
 17 **Q. All right. So you never -- you never -- would it be**
 18 **accurate to state that there was never a point in time**
 19 **where you didn't recall who you were talking to when you**
 20 **were in the bathroom on this day?**
 21 **A. Okay. On the day that I was talking in the bathroom, I**
 22 **had made a text to Riddle, so I did not call him, but yes,**
 23 **I did call -- I knew I had called my husband, but in that**
 24 **meeting he had asked me for my phone, and that's --**
 25 **Q. Okay. Let's focus on the question. Was there ever a time**

28 (Pages 109 to 112)

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<p style="text-align: right;">Page 113</p> <p>1 that you did not remember who it was when you were -- that</p> <p>2 you were talking to when you were in the bathroom at the</p> <p>3 time we just discussed?</p> <p>4 A. At first I did not recall because I didn't know where all</p> <p>5 this questioning was coming from and why it was happening.</p> <p>6 Q. Why would that impact your not being able to recall? Is</p> <p>7 it just that you didn't want to say?</p> <p>8 A. No, it's just -- there was so many -- first of all, it</p> <p>9 started out me and the thing with Sergeant Vanderlaan that</p> <p>10 the bathroom was in disarray, and then all of a sudden I</p> <p>11 got this notice from the, I believe the undersheriff, and</p> <p>12 he said, well, we have -- you know, you don't have to go</p> <p>13 to that meeting with Sergeant Vanderlaan. You are now to</p> <p>14 go to a meeting with Captain Brown, and that's what</p> <p>15 happened. So it was just a -- everything was being</p> <p>16 changed, so I'm trying to -- I was trying to stay focused</p> <p>17 on what was happening. Why all of a sudden did it go from</p> <p>18 a laundry thing to something that the captain needed to be</p> <p>19 involved in?</p> <p>20 At the time we had went back and forth.</p> <p>21 Sergeant Vanderlaan had said, yeah, I would like to have</p> <p>22 the opportunity to tell you, because they were overpassing</p> <p>23 me. I told the lieutenant that I couldn't get --</p> <p>24 Q. Again, we have gone way beyond my question, so I'm going</p> <p>25 to stop you.</p>	<p style="text-align: right;">Page 114</p> <p>1 A. Oh, okay.</p> <p>2 Q. We are going to get to the other stuff later.</p> <p>3 So your testimony is that you always remembered</p> <p>4 that it was your husband that you talked to; is that what</p> <p>5 you are saying?</p> <p>6 A. At first I didn't, but then I did recall, yes.</p> <p>7 Q. Okay. What did you say on this phone call?</p> <p>8 A. I told him that Nathan had called me a fucking bitch and a</p> <p>9 fucking snitch, and I went down and talked to Sergeant</p> <p>10 Stephens, and he said there was nothing that I could do,</p> <p>11 that I couldn't make a complaint, that I had to wait until</p> <p>12 Mark came in, the lieutenant, the next day, and I was</p> <p>13 discussing how it made me feel, how I was being treated</p> <p>14 and constantly retaliated against, how it made me feel</p> <p>15 going back to when I was sexually assaulted multiple times</p> <p>16 by a sergeant, and nothing was done, and that maybe if</p> <p>17 they understood through their families that something had</p> <p>18 happened to that -- similar to maybe their wife, child,</p> <p>19 whatever, and then child I meant not a four-year-old, I</p> <p>20 meant a child that was old enough to work, and they had to</p> <p>21 be put right back into that same situation every single</p> <p>22 day to work with that person, maybe they'd understand how</p> <p>23 I felt. So I was explaining that.</p> <p>24 Q. Did you say that you wished that Nate Stephenson's wife</p> <p>25 and daughter would get raped?</p>
<p style="text-align: right;">Page 115</p> <p>1 A. No. I said: Maybe if Nate's wife or daughter almost got</p> <p>2 raped multiple times by somebody they worked with, then</p> <p>3 maybe he'd understand.</p> <p>4 Q. Well, I guess the recording speaks for itself, right?</p> <p>5 A. I would assume it does, yes, and not if you can clearly</p> <p>6 hear me say --</p> <p>7 Q. Well, I wasn't going to play it, but maybe we ought to.</p> <p>8 Let's see. Well, you know what, maybe we should --</p> <p>9 MS. AMTSBUECHLER: It's 12:15. Let's see. Let</p> <p>10 me see if I can get it here.</p> <p>11 And while I play this, Sharon, I don't think you</p> <p>12 need to record it. I know that it would be hard for you</p> <p>13 to do, unless you think you can. I don't really expect</p> <p>14 that you will try to do that, okay, unless Mr. Drew thinks</p> <p>15 otherwise.</p> <p>16 MR. DREW: I don't think it needs to be</p> <p>17 recorded.</p> <p>18 MS. AMTSBUECHLER: Okay. Thank you.</p> <p>19 THE REPORTER: Thank you.</p> <p>20 MS. AMTSBUECHLER: That didn't work. Okay. Let</p> <p>21 me try another way. All right. I can't find it right</p> <p>22 now, so --</p> <p>23 MR. DREW: Are you planning on taking a lunch</p> <p>24 break?</p> <p>25 MS. AMTSBUECHLER: Yeah, but I would rather get</p>	<p style="text-align: right;">Page 116</p> <p>1 this -- if I can find it, I would rather do that after, so</p> <p>2 that we are done with the topic. I think what I might</p> <p>3 have done is accidentally deleted my quote, unquote,</p> <p>4 "shortcut" to this, and now I'm totally -- I can't find</p> <p>5 it. Oh, wait a minute. Here we go. I think I found it</p> <p>6 now. Open. Can you hear it? No. I can hear it, but you</p> <p>7 can't hear it, right?</p> <p>8 MR. DREW: I'm not hearing anything.</p> <p>9 MS. AMTSBUECHLER: Let me try something else. I</p> <p>10 think if I put this on -- and I don't know, Jodie, as the</p> <p>11 videographer, if there is something you can do to make</p> <p>12 this easier, but I have a Dictaphone, and sometimes when I</p> <p>13 put that on to the computer, the sound comes through that,</p> <p>14 which is lot easier to hear.</p> <p>15 VIDEO TECHNICIAN: Right. I wish there was</p> <p>16 something I could do. There isn't actually anything I can</p> <p>17 do actually, unfortunately.</p> <p>18 MS. AMTSBUECHLER: Now it's coming from the</p> <p>19 speaker on here, sometimes it will work better.</p> <p>20 (Audio playing).</p> <p>21 A. I have to believe that that's enhanced. I have never</p> <p>22 heard this complete call of it, and I believe it is an</p> <p>23 illegal tape, because I was in the bathroom with the door</p> <p>24 shut with -- expecting to have my privacy.</p> <p>25 BY MS. AMTSBUECHLER:</p>

29 (Pages 113 to 116)

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1 Q. Okay.

2 A. So I have never heard that whole thing.

3 Q. Do you not want to hear the rest of it now, or not? It

4 was playing. Could you hear it when I was playing it?

5 A. Yeah, but I have never heard it, and it's got to be

6 enhanced, because at the time I'm talking there is nothing

7 until just now where it said you have an intercom --

8 whatever it just said.

9 Q. All right. I'm not going to bother trying to play it

10 then. It's two minutes and 25 seconds long, the one that

11 I have.

12 A. Okay. I don't have that one. I have a two-minute long

13 one.

14 Q. Well, whatever. So you heard -- you have heard one before

15 that was two minutes?

16 A. Yes, and I clearly say almost.

17 Q. So you --

18 A. I said maybe they can get, and then I started to say

19 raped, and I said almost raped, and that goes to my state

20 of mind from going back to what I had happen to me being

21 sexually assaulted by a sergeant multiple times and

22 nothing being done. I still had to work with him every

23 day. The retaliation that was evident from my testimony

24 in late 2016 for the settlement in 2017, because they --

25 that was done in like, I want to say late August, possibly

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1 would understand why I get upset when somebody says

2 something like that to me.

3 Q. Did you call Boike an asshole to anybody?

4 A. No.

5 Q. Did you call Boike an asshole to his face?

6 A. I don't recall ever even really speaking to Boike on

7 anything other than let me in and let me out.

8 Q. Did you think Boike had any reason to want to retaliate

9 against you?

10 A. From what I understood is he -- he was not comfortable

11 with being in a room with me because he had heard that I

12 made allegations in the past, and so I don't know whether

13 that's true or not. That's just what I heard.

14 Q. Okay. Did you think that Nate had any reason to want to

15 retaliate against you other than because he thought that

16 you reported him sleeping?

17 A. No. Nate wanted to be a sergeant really bad, so I

18 wouldn't put it past the command to say, hey, mess with

19 her so that we can get her to -- you know, get her on

20 something so we can fire her. I wouldn't put it past

21 command --

22 Q. Do you have any evidence that that happened?

23 A. Evidence that what happened?

24 Q. That command told --

25 A. No, no, but it wouldn't -- I wouldn't put it past the

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1 early September, and they took me off for over -- just

2 over two months saying I was mentally unfit for the job

3 with no circumstances evident except for one conversation

4 I had with the chaplain, and after that that was in --

5 they took me off in December of '18. I came back in late

6 February.

7 Q. Yeah, can you stop, please? That's not really responding

8 to a question.

9 A. Uh-huh. I'm just saying that --

10 Q. Stop, stop, stop.

11 MR. DREW: Lori, just let her ask the question.

12 THE WITNESS: Okay.

13 BY MS. AMTSBUECHLER:

14 Q. I mean this is really going beyond all -- so did you say

15 that maybe Stephenson's daughter could get -- wife and

16 daughter could get almost raped at work?

17 A. Yes.

18 Q. Okay. Why did you say that, other than how you felt, did

19 you have some -- you were upset with Stephenson, right?

20 A. Yes, I was upset with Stephenson.

21 Q. And that's why you said that?

22 A. I said maybe he would understand, yes. I was trying to

23 explain why maybe he would understand if his family had

24 gone through that, that the way he's treating me is

25 hostile, it's demeaning, it's humiliating, and maybe he

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1 command to do that.

2 Q. Who in command do you think would do that?

3 A. I would think that possibly the sheriff, the undersheriff,

4 because they already were mad about my testimony, so they

5 were -- continued retaliation, and obviously they couldn't

6 charge me with a felony. I was brought back to work. I

7 have three letters from doctors stating that I was fine to

8 work, that I had always been fine to work, and then I get

9 back to work, and then they started slowing down different

10 things where I couldn't get my job done because I didn't

11 have the items to get the job done (inaudible).

12 Q. Okay. My question was --

13 (Speaking simultaneously).

14 BY MS. AMTSBUECHLER:

15 Q. My question was who, my question was who, and you said the

16 sheriff --

17 A. I would imagine either the sheriff or the undersheriff or

18 both, or possibly Matt Smith. He was in training at that

19 time, but he was back and forth every once in a while, so

20 it could have been any one of them. I'm not saying for

21 sure it did, but it could have very well happened that

22 way.

23 MS. AMTSBUECHLER: All right. I think now is a

24 good time to take a lunch break.

25 THE WITNESS: Sounds good.

30 (Pages 117 to 120)

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<p>1 VIDEO TECHNICIAN: We are off the record, 12:27</p> <p>2 p.m.</p> <p>3 (Off the record at 12:27 p.m.)</p> <p>4 (Back on the record at 1:10 p.m.)</p> <p>5 VIDEO TECHNICIAN: Back on the record at 1:10</p> <p>6 p.m. after a lunch break.</p> <p>7 (Mr. Boike left the Zoom deposition).</p> <p>8 BY MS. AMTSBUECHLER:</p> <p>9 Q. Okay. All right. We are back, and as the videographer</p> <p>10 mentioned to you, Ms. Heethuis, we don't want to talk at</p> <p>11 the same time, and so there are two things. One is you</p> <p>12 need to stop, when I'm asking you a question, don't</p> <p>13 interrupt, and sometimes I have been stopping you because</p> <p>14 you have been going on and not really answering the</p> <p>15 question, and I understand that there is a lot that you</p> <p>16 might want to say, but, you know, the deposition is</p> <p>17 question and answer, so please do your best to answer the</p> <p>18 questions that I'm asking you. It will help us get</p> <p>19 through this today in a lot more efficient manner. Okay?</p> <p>20 A. Okay. I apologize.</p> <p>21 Q. And if you don't understand what I am asking you, then let</p> <p>22 me know, and I will make sure that it's clear so you don't</p> <p>23 feel you just have to talk. Okay?</p> <p>24 A. Okay. Thank you.</p> <p>25 Q. All right. Before we broke you were talking about -- I</p>	<p>1 asked you about whether you had audio recordings of</p> <p>2 telephone -- I'm sorry, not telephone, audio recordings of</p> <p>3 conversations with people at the sheriff's office, and you</p> <p>4 said you didn't know, maybe you would have to look at your</p> <p>5 phone. You also testified that you had sometimes taken</p> <p>6 your husband's phone to work by accident. Do you know</p> <p>7 whether or not there are any audio recordings or video</p> <p>8 recordings on your husband's phone that pertain to</p> <p>9 anything going on at the sheriff's office?</p> <p>10 A. No, there are none.</p> <p>11 Q. Now, what I want to switch to talk about now is the</p> <p>12 discipline that you got in April of 2019. So let's take</p> <p>13 your brain into that time period, all right?</p> <p>14 A. Yes.</p> <p>15 MARKED FOR IDENTIFICATION:</p> <p>16 DEPOSITION EXHIBIT 14</p> <p>17 1:12 p.m.</p> <p>18 BY MS. AMTSBUECHLER:</p> <p>19 Q. Okay. And just for your reference, let's pull up the</p> <p>20 document to share. Do I have screen sharing going on?</p> <p>21 Can you see it? No. All right. Let me do screen</p> <p>22 sharing.</p> <p>23 All right. I'm showing you -- I'm a little out</p> <p>24 of order here, this is Exhibit Number 14, which is a</p> <p>25 notice of suspension on April 23, 2019. I'm just showing</p>
Page 123	Page 124
<p>1 that to you for reference at this point. We will come</p> <p>2 back and talk about it. Do you recall getting that?</p> <p>3 Yeah, I'm just skimming through it quickly. Do you recall</p> <p>4 receiving this discipline?</p> <p>5 A. I'm trying to recall exactly which one it was.</p> <p>6 Q. Okay. We can go through it, April 23 -- I'm sorry, what?</p> <p>7 A. I'm sorry. Yes, I do remember.</p> <p>8 MARKED FOR IDENTIFICATION:</p> <p>9 DEPOSITION EXHIBIT 13</p> <p>10 1:13 p.m.</p> <p>11 BY MS. AMTSBUECHLER:</p> <p>12 Q. Okay. All right. And at the same time you also received</p> <p>13 this memo, which is Exhibit 13 from the sheriff. Do you</p> <p>14 recall that?</p> <p>15 A. That was after the -- I do, yes.</p> <p>16 Q. Okay. And these were on April 23, 2019. Did you receive</p> <p>17 them both on the same day?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Now, leading up to that is what I want to talk</p> <p>20 about for a minute here, so let's stop -- we will go away</p> <p>21 from the document for now, and we will come back to it.</p> <p>22 A. You are going kind of in and out. I'm sorry.</p> <p>23 Q. All right. Let's talk about what led up to the April 23rd</p> <p>24 events. Can you hear me now?</p> <p>25 A. Okay. Yes, I can hear you good now.</p>	<p>1 Q. Okay. As I understand it, there were three meetings</p> <p>2 leading up to the April 23rd discipline. Do you recall</p> <p>3 the meetings leading up to the April 23rd discipline?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall that there were three meetings?</p> <p>6 A. Yes, I do.</p> <p>7 Q. All right. And the first one I show is occurring on April</p> <p>8 11, which was a Loudermill hearing. The next one was on</p> <p>9 April 17, which was a second Loudermill hearing, and the</p> <p>10 next one was on April 22nd with the undersheriff. Do you</p> <p>11 recall that those were the dates or do you have any reason</p> <p>12 to dispute that those were the dates?</p> <p>13 A. No, I recall those were the dates.</p> <p>14 Q. Okay. So let's talk about April 11th first. When you</p> <p>15 were asked about the phone call, do you recall saying at</p> <p>16 that time that you were on the phone with Riddle when you</p> <p>17 were in the bathroom?</p> <p>18 A. I said I may -- I may have been on the phone with Riddle.</p> <p>19 I tried to text him and call him.</p> <p>20 Q. So did you tell them -- I'm sorry, go ahead.</p> <p>21 A. I'm sorry. No, go ahead.</p> <p>22 Q. So did you tell the people at the Loudermill hearing on</p> <p>23 April 11th that when you were in the bathroom on the phone</p> <p>24 call, the one that Boike recorded, that you were talking</p> <p>25 to Riddle?</p>

31 (Pages 121 to 124)

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1 A. At that time I said I was not sure, that I had called
 2 three people, and I wasn't sure at that point what he was
 3 going to with this, with this questioning, so I didn't
 4 know for sure what times we were talking, and I did try to
 5 get ahold of Riddle quickly on the phone while I was
 6 there, and he didn't answer, so I left him a voicemail,
 7 and then I made another call.

8 Q. Did you tell them on -- when you talked to them on April
 9 11th at the Loudermill hearing, did you tell them that you
 10 were talking to your husband on the phone?

11 A. No, I didn't.

12 Q. Okay. Did you understand that they were asking you about
 13 the phone call that you made where you were talking about
 14 Nate Stephenson's wife and daughter maybe getting raped?

15 A. No, I didn't realize that at that time. That was not
 16 brought up. At that time we didn't know there was any
 17 kind of recording.

18 Q. Well, what did you think you were called into a Loudermill
 19 hearing for on April 11th?

20 A. I didn't realize it was a Loudermill meeting, number one.
 21 They just said I had to meet with the captain, and I
 22 didn't know because it -- I thought it was to do with the
 23 laundry situation.

24 Q. You mean the situation with Nate?

25 A. No, no, the laundry situation with the -- it started out

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1 actually said.

2 Q. Did they tell you what the allegations that you supposedly
 3 said were?

4 A. Later, yes.

5 Q. No, I mean during this conversation, we are talking --

6 A. Oh, during the meeting?

7 Q. Yeah.

8 A. During the meeting, yes.

9 Q. Okay. So during the meeting they told you that these were
 10 the allegations about what you said about Nate, right, and
 11 his wife and daughter?

12 A. They said there were allegations about a co-worker, me
 13 saying something about a coworker's wife and child.

14 Q. Did you know that that's what they were talking about, the
 15 comment you had made?

16 A. When he explained to me that it was -- the date it was on
 17 and so forth, then yes, I did realize.

18 Q. So while you were there on April 11, you were talking
 19 about it, you knew what they were talking about?

20 A. Eventually, yes.

21 Q. Okay. And you -- at that point you had heard rumors that
 22 there was an audio recording?

23 A. Yes.

24 Q. From where?

25 A. Chris Riddle told me that there was -- that he had heard

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1 with Sergeant Vanderlaan, and he was upset because there
 2 was clothes that had got put in there because there was a
 3 lot of releases and stuff, and so we were supposed to
 4 meet, and then all of a sudden it said disregard the
 5 meeting with Sergeant Vanderlaan. You are going to meet
 6 with Captain Brown.

7 Q. So you went to this meeting with Captain Brown on April
 8 11th. You weren't sure what it was about?

9 A. No, I wasn't sure what it was about.

10 Q. Who else was there?

11 A. Ed Fox.

12 Q. So when you were asked about being on the phone, did you
 13 have any idea what they were talking about or when?

14 A. They gave me the date and said was I talking on the phone,
 15 and at that point the captain had said that there was no
 16 recording, but that somebody was concerned, so I was just
 17 trying to get it all in perspective of what was happening
 18 and why these questions were coming out.

19 Q. So they specifically told you there was no recording?

20 A. Yes. Captain Brown -- I asked him, I said: I understand
 21 there may be a recording of this. And Ed Fox said:
 22 That's what I heard, too. And he said: I can assure you
 23 there is absolutely no recording. We had a concerned
 24 fellow co-worker come in with some allegations that you
 25 supposedly said, and I'm just trying to find out what was

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1 there was a recording and that he had listened to it.

2 Q. So when they asked you who you were talking to when you
 3 made that statement, you knew what they meant, didn't you?

4 A. When I made that statement, yes, when they explained that
 5 oh, this isn't about the laundry, this is about this. We
 6 talked about a few other things, too, prior to that, but
 7 yes, I did realize when he said that.

8 Q. Okay. So at that point did you say you didn't know who
 9 you were talking to when you made that statement or did
 10 you say it was Riddle? This is all on April 11th I'm
 11 still asking you.

12 A. I'm not sure for sure what I said, because I thought I
 13 said something to the approximately -- like I talked to a
 14 few people. I know I talked to Riddle. I said I know I
 15 talked to my attorney. I think I talked to my mom. I
 16 said I don't know, you know. I really don't know who
 17 else. There were probably other people, too. And he
 18 said: Well, let me -- you know, try to think, Lori, and,
 19 you know, try to think of everything. And then as we got
 20 later into the meeting, he said: Oh, and by the way, I
 21 probably should tell you, we do have a recording of it.
 22 And I thought, well, wow, why did you lie and say that?
 23 But I just said: Oh, okay. Can I have a copy? Ed said:
 24 Can I have a copy? He said: I don't have it. I will
 25 have to talk to the sheriff, and I will get it to you when

32 (Pages 125 to 128)

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1 I can. So that was it.
 2 Q. This is all on April 11th, right?
 3 A. Yes.
 4 Q. Okay. And then the next meeting was on April 17th. Do
 5 you recall that?
 6 A. Yes.
 7 Q. About six days later. Who was there?
 8 A. I know Ed Fox was there and the captain. I think it was
 9 just us three again in that meeting. I don't really
 10 recall. I know it was those, but I don't really recall
 11 anybody else at this time.
 12 Q. Captain Brown and Ed Fox, you recall them?
 13 A. Yes, I do recall them.
 14 Q. And did they ask you again about who you were on the phone
 15 with?
 16 A. Yes.
 17 Q. And did you tell them maybe your attorney?
 18 A. I said maybe it was Mr. Drew I was trying to reach at that
 19 time. I said I'm not really sure.
 20 Q. Did they ask you then to look at your phone?
 21 A. They did.
 22 Q. Did you tell them you didn't have the phone with you?
 23 A. I did not have my phone with me, yes.
 24 Q. Did you tell them you did not have your phone with you?
 25 A. Yes, I said I don't have my phone with me.

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1 didn't think it was appropriate for them to try to
 2 re-track who might have been called when or whatever they
 3 were going to do. I had no idea what they were going to
 4 do with the phone. So that's why. I knew -- thought I
 5 had Damon's because I heard it do the little astro noise
 6 that it did while it was in there, and it was very light,
 7 because I would turn mine all the way down, and I probably
 8 turned his almost all the way down. And I thought, oh, I
 9 probably don't even have my phone, so even if I do I'm not
 10 going to say, because I don't think it's right that they
 11 can sit there and say, well, let me see your phone and see
 12 if I can -- there is a place you can go back, and I tried
 13 to explain to them, I said, listen, I'm running out of
 14 space on my phone, so my husband just said to delete all
 15 of the calls. You keep way too many of them on there,
 16 delete all of them. So I deleted them, and so there
 17 wouldn't have been anything on there except Mr. Drew's
 18 calls, no matter what, whether it was mine or not, but I
 19 just didn't feel like it was an appropriate thing for them
 20 to ask to see my phone.
 21 Q. So are you saying that while you were in there you didn't
 22 give them your phone, you told them you didn't have it
 23 because you didn't think they had the right to look at it?
 24 A. Well, if it was mine, but I had a good sense that it was
 25 my husband's because of that noise, so no, I didn't -- I

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1 Q. Where was your phone?
 2 A. My phone was at home.
 3 Q. Did you have any phone with you?
 4 A. I had my husband's phone with me, yes.
 5 Q. So later on when they saw you in the elevator pull out a
 6 phone, you are saying that was your husband's phone and
 7 not yours?
 8 A. Yes, that was his phone. I quickly looked at it and stuck
 9 it in my pocket. I was in the elevator by myself.
 10 Q. Did you make a phone call with that phone that day?
 11 A. I may have. I don't recall.
 12 Q. Well, if you used your husband's phone to make a phone
 13 call, you would notice it as soon as you opened it up,
 14 right?
 15 A. Well, I noticed it when I took it out of my pocket because
 16 it made a noise, and I looked at it, and it went on, and I
 17 went, oh, this is Damon's phone. So I stuck it back in my
 18 pocket.
 19 Q. When you were in the meeting with Brown and Riddle on the
 20 17th before you got in the elevator and they said do you
 21 have your phone, and you said I don't have it with me, why
 22 didn't you reach in and pull out the phone where you would
 23 have said to them that it was your husband's phone?
 24 A. I didn't -- they were asking for my phone. I knew at that
 25 point that I didn't want to give them my phone because I

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1 didn't feel that they needed to look at my phone. That
 2 was something that I didn't feel that they had the right
 3 to do, is get on my phone and try to look back, and -- you
 4 know, I'm telling them I don't have any. I just took a
 5 bunch of stuff off it because it's almost up to the 64
 6 gigs, and it's off. The only things on there is Mr.
 7 Drew's, so I have the dates of when I talked to him.
 8 Q. Well, why wouldn't it be in your best interest just to
 9 tell them who you were talking to when you were having
 10 that phone call? Why did you care?
 11 A. Why did I care? Because they tried to set me up for a
 12 felony. My husband and the sheriff and undersheriff had
 13 spoken in the hallway, and Damon was pretty blunt with
 14 them, and I felt that since they already had tried to set
 15 me up for a felony for bringing drugs into the jail that
 16 they may be trying to set me up and my husband up for
 17 something. So I didn't feel that they had any right to
 18 even -- once I explained that I took everything off, why
 19 they wanted it again. That should be a warrant that they
 20 want it.
 21 Q. Did you understand that they were trying to find out who
 22 you were talking to when you were having that
 23 conversation?
 24 A. Yes, and my fear was that they were trying to set us up
 25 for a crime.

33 (Pages 129 to 132)

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1 Q. All right. So when did you discover that -- during that
 2 day when was it that you discovered that you had your
 3 husband's phone and not yours?
 4 **A. Well, in the meeting, as I said, it made a little noise, a**
 5 **light noise, an astroid type sound, and I thought, hmm, is**
 6 **that Damon's phone or is that mine, you know, because**
 7 **people's phones were bleeping and stuff in there. And I**
 8 **got in the elevator and it bleeped again, and I picked it**
 9 **up and I looked at it, and I saw what it said, and I was**
 10 **like I have got his phone. I can't believe I have got his**
 11 **phone again. It was like the third time I have had his**
 12 **phone.**
 13 Q. So did you make any phone calls with his phone that day?
 14 **A. Yes, I did.**
 15 Q. Who did you call?
 16 **A. I called my mom to let her know and see if she could call,**
 17 **but I ended up sending a text to my phone so that Damon**
 18 **had my password so that he could unlock the phone, and**
 19 **then we did speak later that -- later after that.**
 20 Q. And this was all on the 17th, the day of the second
 21 meeting that you had?
 22 **A. Yes.**
 23 Q. So presumably if we got the phone records for that day,
 24 the detailed records from your husband's phone, it would
 25 show exactly what you are talking about, right?

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1 **his, but he stated that I said that I was out in the car**
 2 **and I ran back and that I got my husband's phone on**
 3 **purpose, so...**
 4 Q. All right. So during this conversation on the 22nd, did
 5 he ask you again to look at the phone, to see who you
 6 called on the day that you were having the conversation?
 7 **A. I don't recall. I don't recall at all actually on that.**
 8 **I'm sorry.**
 9 Q. Do you recall telling him that the day before, which would
 10 have been April 21st, that you ran updates and lost
 11 everything on your phone?
 12 **A. No, because that's not what I had said. That's not true.**
 13 Q. What did you say?
 14 **A. I said my husband said delete some of these contacts in**
 15 **here. You know you have got your mom a million times, me**
 16 **a million times. That's eating up data, too, so get rid**
 17 **of that, and maybe that will give you a little bit more**
 18 **room.**
 19 Q. So it's your testimony that the day before, on the 21st,
 20 you went through and deleted the call records to give
 21 yourself more room on your phone; is that what you are
 22 saying?
 23 **A. Yes.**
 24 Q. Okay. And is it your testimony that that's what you told
 25 the undersheriff?

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1 **A. I would have assumed so, yes.**
 2 Q. Okay. So the next meeting you had was on April 22, 2019.
 3 Do you recall that, with the undersheriff?
 4 **A. Yes.**
 5 Q. What happened then?
 6 **A. He showed us a video, and he said: Do you know what you**
 7 **are doing? And I said: Yeah. And he goes: Do you know**
 8 **what day that is? And I go: Yeah, it was after a meeting**
 9 **with Captain Brown on the 17th. And he said: Well, I**
 10 **thought you said you didn't have your phone. I said: I**
 11 **didn't. I had my -- and he goes how -- he slammed down on**
 12 **the table. He said: How would you -- how would you do**
 13 **that? And I explained it to him, and he said he didn't**
 14 **believe it.**
 15 Q. So you told him it was your husband's phone, and he said
 16 he didn't believe it?
 17 **A. Yes.**
 18 Q. Did he say why he didn't believe it?
 19 **A. For some reason he didn't listen to what I was saying, and**
 20 **he thought I said that I had left -- I had got in the car**
 21 **and I ran back in, and I took his phone like on purpose,**
 22 **is what he was kind of putting together, that way, so that**
 23 **it would make sense that he didn't believe me, I guess.**
 24 **And I said: No, no, no. I grabbed it because I thought**
 25 **it was mine. I said I grabbed it, and that's how I got**

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1 **A. To the best of my knowledge, yes, what I recall.**
 2 Q. Did you talk to your attorney from the bathroom during the
 3 day that we now know Boike has -- was audio recording?
 4 **A. No.**
 5 Q. So if it says that in the Complaint you filed, that's not
 6 accurate?
 7 **A. No. I said it could have been my attorney. He didn't**
 8 **answer. It could have been Riddle. It could have been**
 9 **anybody at that point.**
 10 Q. Okay. Let's go back to -- all right, so the April 23,
 11 where did that go? I seem to have lost another document.
 12 Exhibit 14, what did I do with it? All right. Can you
 13 see that? We talked about this earlier. It's Exhibit 14.
 14 **A. Yes.**
 15 Q. Right.
 16 **A. That -- I was given a Last Chance Agreement, and then the**
 17 **other one.**
 18 Q. So everything was given to you -- let me rephrase that.
 19 So on April 23rd, you were given this notice of suspension
 20 which we marked as Exhibit 14, right?
 21 **A. Yes.**
 22 Q. And you were notified there of the violations that are
 23 written in there and the suspensions, correct?
 24 **A. Yes.**
 25 Q. Okay. You also received the direction from the sheriff,

34 (Pages 133 to 136)

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1 which is in the memo form we talked about earlier, right?

2 Right?

3 **A. The memo for the phone and the comments?**

4 Q. Yes.

5 **A. Yes.**

6 Q. And -- that's not what we want. Technology is great when

7 it works.

8 **A. I know.**

9 MARKED FOR IDENTIFICATION:

10 DEPOSITION EXHIBIT 15

11 1:33 p.m.

12 BY MS. AMTSBUECHLER:

13 Q. Let's see. I have got too many documents. Okay. Let's

14 go back to -- okay. Exhibit 15, the Last Chance

15 Agreement, do you see that?

16 **A. Yes.**

17 Q. So your testimony -- I will just kind of quickly buzz

18 through here so you can see. If you need to read any of

19 it, you can, but the pages 10 and 11-D Bates stamped, does

20 this look like what you got?

21 **A. Yes.**

22 Q. Okay. Who was present at this meeting on the 23rd?

23 **A. Deputy Riddle and Deputy -- or I'm sorry, Deputy Riddle,**

24 **Deputy -- or I mean business agent, I'm sorry, Fox, Ed**

25 **Fox, and the sheriff and the undersheriff.**

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1 about how hard it was going to be, and I needed to be sure

2 if I understood that, and I was trying to read it while he

3 was saying that, but it was kind of difficult to read

4 that, and he's saying: Did you hear me? And I'm saying:

5 Yes, I heard you. I'm just trying to read this thing.

6 And so then Deputy Riddle said: Well, maybe she wants to

7 call somebody. Maybe she wants to call her attorney. And

8 Ed Fox said: Well, why would she want to call her

9 attorney? And he says: Well, I don't know, maybe she

10 wants to make a call to some people and ask or something.

11 And so he goes: Well, you can go ahead and do that.

12 So and I called and I tried to get ahold of Mr.

13 Drew to let him know what was going on, and then I tried

14 another attorney friend of mine and left a message for

15 him, and then I called my husband, and he said: Well, try

16 to give Drew a phone call again. So then I called a

17 couple more times for Drew. I tried a couple more times

18 for the attorney, and then Ed Fox came in, and he said:

19 Listen, your time is up. They want you to sign it or they

20 are terminating you. And I said: Ed, just let me finish

21 this. This is when I was finishing up. He walked in when

22 I was talking to my husband, and I really didn't get a

23 chance to talk to him that long, and I said: Could you

24 just give me a minute to just say, okay, you know, that

25 they are making me go back in? And he's like: Yeah,

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1 Q. Tell me the best you can what happened that day.

2 **A. Well, I went up there and I thought that it was going to**

3 **be nothing, because Deputy Riddle had told me a couple**

4 **days before that that he had heard the recording and it**

5 **was inaudible, and so it was basically just probably going**

6 **to be a close out, no warning, and I walked in -- well,**

7 **they were in together before that, and then I walked in**

8 **when they came out and got me, and they said: Well, we**

9 **were going to terminate you, but the union talked us into**

10 **giving you a Last Chance Agreement, and then they put it**

11 **in front of me.**

12 Q. And then what happened?

13 **A. The sheriff and the undersheriff said we are going to give**

14 **you some time to talk -- read it and talk to your union**

15 **reps about it and what would be best, so we will be -- we**

16 **are going to be outside for a little bit, and then we will**

17 **come back in.**

18 Q. So how long were you in talking with your union rep about

19 it?

20 **A. Well, I really didn't get a chance to talk to them about**

21 **it for fifty-some minutes. Ed Fox kept going on and on**

22 **about how I should sign it, and that it would be really**

23 **hard to prove that it was my husband's phone and not my**

24 **phone, and that it would be a battle and that, you know,**

25 **if I didn't sign it, that they could go and do a grievance**

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1 yeah, but they know -- they know your minutes are up, and

2 then as I'm walking back, I'm saying: You know, can I

3 have some extra time? I haven't gotten all the way

4 through this. I have only gotten up to 6. And he said:

5 Well, I can ask. And I said: Can I just get until like

6 3? Because the sheriff and undersheriff were not in the

7 room at that time when we went in and sat down, and he

8 said: Well, I can go ask. So I said: Okay, well, thank

9 you. And he went out, he asked for 24 hours, and the

10 sheriff said: No, no. Her five minutes are up. So he

11 came back in, and he said: I asked for 24 hours, and the

12 sheriff said no, we are not giving her any more time. She

13 needs to sign it or she is terminated.

14 So then probably, I don't know, approximately

15 three minutes after that, they came in and said, you know,

16 have you made a decision? And I said: Well, I really

17 would like a little more time because I didn't get to read

18 all of these. I'm up to number 8, and could I have a

19 little more time? And he said: No, we can't give you any

20 more time on it. You know, we need an answer now.

21 So I went to Deputy Riddle, and I said: Deputy

22 Riddle, you know what I have been through all these years

23 with different things. I said: If you were me, would you

24 sign it without reading the rest of it? Because I know

25 you have read it, and he shook his head yes, and all I

35 (Pages 137 to 140)

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<p style="text-align: right;">Page 141</p> <p>1 could think of was that my husband was going to lose the</p> <p>2 insurance he needed because he has cancer, that I wasn't</p> <p>3 going to have insurance, and I just kind of saw my life</p> <p>4 flash before me, and under duress, as tears rolled down my</p> <p>5 eyes, I signed it.</p> <p>6 And then they said, well, okay, that is great,</p> <p>7 but now we have this direct order, and he put that</p> <p>8 forward, and it said that I couldn't bring my phone in, I</p> <p>9 couldn't bring any electronic device in, and so forth, and</p> <p>10 I could not bring up any past unbecoming conduct for what</p> <p>11 had happened to me because people just didn't want to hear</p> <p>12 it, and so that was verbally said to me. And he said: I</p> <p>13 need you to sign this too. And I looked at Riddle and I</p> <p>14 said: Do I have to sign this? I said: I can't bring my</p> <p>15 phone in, and I have an 82-year-old mother who is ill and</p> <p>16 not in good shape. I have a daughter that lives three</p> <p>17 hours away. I have a husband who is ill, and I can't</p> <p>18 bring my phone in but everybody else can? And I said:</p> <p>19 You know, this is like a gag order. Oh, no, no, it's a</p> <p>20 direct order, it's a direct order. And Riddle said: You</p> <p>21 are going to have to, Lori, as part of that. And so I</p> <p>22 signed it under duress because I didn't know what else to</p> <p>23 do.</p> <p>24 Q. Do you recall anything else happening during that meeting?</p> <p>25 A. They just read -- the undersheriff, Rodney [phonetic],</p>	<p style="text-align: right;">Page 142</p> <p>1 said that it was going to be three days for this and seven</p> <p>2 days for that, and that they were going to run it</p> <p>3 concurrent, which was just kind of -- you know, I thought</p> <p>4 what, concurrent? It was like we were at court. And he</p> <p>5 said: So it will just be seven days, it will be from</p> <p>6 today, and then you will come back, and you can't bring</p> <p>7 your phone or any electronic devices other than what the</p> <p>8 sheriff's department gives you, and you cannot talk about</p> <p>9 anything that has happened to you with the sergeant that</p> <p>10 you allege did things. And I just said -- I was kind of</p> <p>11 just overwhelmed, and I said: Okay. And I said: Thank</p> <p>12 you. Because I'm always polite because no matter what,</p> <p>13 they are my superiors, so I said thank you, I got up. I</p> <p>14 walked out. Ed talked to me a minute, the sheriff and</p> <p>15 undersheriff stayed in there, and he said: You know, do</p> <p>16 you want to grieve it, this and that? I said: I really</p> <p>17 don't know. I haven't -- I didn't even get to read all of</p> <p>18 this. I said: Let me just let it sink in. He said:</p> <p>19 Well, if you do, we will have to subpoena the records, and</p> <p>20 it will be a hard fight, but we could do it. And I said:</p> <p>21 Why don't you just let me get back with you, Ed. I said:</p> <p>22 I just -- I just want to go. And so I thanked both of</p> <p>23 them. Riddle said take it easy. Don't worry about</p> <p>24 anything, Lori, we will see you, you know, soon. They</p> <p>25 walked me down and I walked out, and that's what started</p>
<p style="text-align: right;">Page 143</p> <p>1 my seven-day suspension.</p> <p>2 Q. So who told you you would be terminated if you didn't sign</p> <p>3 it?</p> <p>4 A. Ed Fox, and on the Last Chance --</p> <p>5 Q. Because --</p> <p>6 A. And on the Last Chance Agreement, like they pointed out</p> <p>7 that I was signing that -- I was signing it, the Last</p> <p>8 Chance Agreement and in lieu of being terminated, and that</p> <p>9 I would be on a two-year -- I think the sheriff was saying</p> <p>10 at that time that it would be in my file for two years,</p> <p>11 and that if I violated any of the things in this Last</p> <p>12 Chance Agreement, and not barring any other policy</p> <p>13 violations that I would be fired.</p> <p>14 Q. So when you left there after signing the Last Chance</p> <p>15 Agreement, you were aware you were not fired, right?</p> <p>16 A. No, because I had signed it, but I signed it under duress</p> <p>17 without reading the whole thing because they wouldn't let</p> <p>18 me finish reading it.</p> <p>19 Q. And --</p> <p>20 A. I had asked.</p> <p>21 Q. -- you were aware that the union was available to file a</p> <p>22 grievance if you wanted, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever pursue a possible grievance with the union?</p> <p>25 A. No, I didn't.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Okay. So as I understand from looking at your testimony</p> <p>2 at the unemployment hearing, it looks like you became</p> <p>3 concerned at some point about paragraph number 9, and I'm</p> <p>4 scrolling to that. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. When did you first read that?</p> <p>7 A. I think it was the next day. I just kind of threw it</p> <p>8 down. I was very dishevelled. My husband was trying to</p> <p>9 comfort me, and I just said I can't believe this is</p> <p>10 happening. And so the next day we started to read it, and</p> <p>11 my husband actually said: They are trying to take away</p> <p>12 all of your rights, Lori, in number 9. They are trying to</p> <p>13 take that away. They are trying to -- why do they have</p> <p>14 the union and their agents in there? That shouldn't</p> <p>15 even -- they sure shouldn't even be concerned about that,</p> <p>16 and it's saying that basically from the past to the</p> <p>17 present to the future, touching upon my employment, that I</p> <p>18 would not do any litigation. I would not hold anybody</p> <p>19 liable, and that they were taking away my civil rights.</p> <p>20 Q. Did you talk to anybody from the union about that</p> <p>21 paragraph?</p> <p>22 A. I don't recall talking to anybody from the union. What I</p> <p>23 did was -- my husband -- he was in the union for a long</p> <p>24 time. He was the head of it, and he said: You need to go</p> <p>25 down and you need to -- you need to tell them you want to</p>

36 (Pages 141 to 144)

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<p style="text-align: right;">Page 145</p> <p>1 revoke that and let them terminate you. He said: Tell</p> <p>2 them you want to revoke the Last Chance --</p> <p>3 Q. I'm going to stop you for a second, because my question</p> <p>4 was whether you talked to anybody from the union.</p> <p>5 A. No.</p> <p>6 Q. All right. So do you know whether or not this paragraph</p> <p>7 is something that the union always puts in the Last Chance</p> <p>8 Agreements?</p> <p>9 A. No.</p> <p>10 Q. If sheriff's administration were to say that this is</p> <p>11 something that the union puts in there when they draft</p> <p>12 these with them, would you have any basis to disagree with</p> <p>13 that?</p> <p>14 A. No, because I have never seen a Last Chance Agreement --</p> <p>15 Q. Okay.</p> <p>16 A. -- in 21 years.</p> <p>17 Q. Now, when you went through this Last Chance Agreement on</p> <p>18 the 23rd, was there a paragraph taken out of it at your</p> <p>19 request; do you recall that happening?</p> <p>20 A. Yes. It had something to do with cellphone use. I think</p> <p>21 it was out of number 8, if I recall correctly.</p> <p>22 Q. What do you recall being removed at your request?</p> <p>23 A. Something about the cellphone.</p> <p>24 Q. Okay. Do you remember anything more specific?</p> <p>25 A. Not really, no, just that it said something about the use</p>	<p style="text-align: right;">Page 146</p> <p>1 of the phone, and I said: Riddle, you asked him verbally</p> <p>2 about that. And right away, he goes: Oh, yeah, we will</p> <p>3 take that out, no problem, we will take that out. And</p> <p>4 they took it out, so -- and then reprinted it, and that</p> <p>5 was one that was actually signed.</p> <p>6 Q. During this meeting, how were you treated?</p> <p>7 A. I don't believe fairly. I don't believe I was represented</p> <p>8 by the union. I felt ambushed.</p> <p>9 Q. Did anybody raise yell -- did anybody raise their voice at</p> <p>10 you?</p> <p>11 A. The undersheriff got a little bit loud at one point,</p> <p>12 but -- and Ed, he got a little bit loud when he was trying</p> <p>13 to tell me, because I was trying to read it, and I wasn't</p> <p>14 answering enough, so he got a little loud.</p> <p>15 Q. When the undersheriff got loud, what was he saying?</p> <p>16 A. It was something about the direct order not being a gag</p> <p>17 order, and it's a direct order, and that's how he was</p> <p>18 getting kind of tense and snippy, like argumentative over</p> <p>19 it, because I go: Well, that's more of a like gag order</p> <p>20 for like the second part. And he said: No, it's not.</p> <p>21 It's a direct order. That's when I left the room and I</p> <p>22 said do I have to sign it.</p> <p>23 Q. Did you understand they were telling you not to continue</p> <p>24 to talk about that while you were at work?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. All right. Were you walking around talking about that a</p> <p>2 lot while you were at work before this happened, before</p> <p>3 this April 23rd --</p> <p>4 A. Not a lot.</p> <p>5 MARKED FOR IDENTIFICATION:</p> <p>6 DEPOSITION EXHIBIT 16</p> <p>7 1:48 p.m.</p> <p>8 BY MS. AMTSBUECHLER:</p> <p>9 Q. Okay. Okay. Let's go to Exhibit 16. You said you went</p> <p>10 back and you revoked it. Is this what you turned in?</p> <p>11 A. Yes, that's what I turned in, but the copy you have is not</p> <p>12 correct, because -- unless you scroll down. Yeah, there</p> <p>13 we go, but that's still not the one that she signed,</p> <p>14 because she also put the date as 10:30 on it.</p> <p>15 Q. Well, all right. It looks like it's signed by Kay. Who</p> <p>16 is that?</p> <p>17 A. Kathleen Julien. I called her the administrative</p> <p>18 secretary to the sheriff.</p> <p>19 Q. So you are saying your copy has a time of 10:30 written on</p> <p>20 there?</p> <p>21 A. Yes, the original does.</p> <p>22 Q. Okay. Was that given back to you then, you took a copy</p> <p>23 with you that was signed with a time on it?</p> <p>24 A. She said: You take the original, Lori. I will take the</p> <p>25 copy.</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay.</p> <p>2 A. Because the sheriff, undersheriff weren't there at that</p> <p>3 time.</p> <p>4 Q. So what was your conversation with Kathleen -- what did</p> <p>5 you say her name was, Kathleen?</p> <p>6 A. Julien, yes, Kathleen Julien.</p> <p>7 Q. Okay. What was the conversation that day besides the</p> <p>8 issue of the copy and the original?</p> <p>9 A. She said: Oh, Lori, I'm so sorry. I don't know what's</p> <p>10 going on anymore. They kind of cut me out of the loop</p> <p>11 once he started being the sheriff, once Sergeant -- or I</p> <p>12 mean Sheriff Poulin was put in office. I had no idea</p> <p>13 about this. This is just horrible. Are you sure you want</p> <p>14 to do this? And I said: I have no other choice because</p> <p>15 they are trying to take away my civil rights in number 8</p> <p>16 of the last chance agreement. And she said: Oh, I just</p> <p>17 wish there was something else. I said: Well, I don't</p> <p>18 know if there is anything else or not. She goes: Well,</p> <p>19 let's call Ann James over at HR and see if maybe you can</p> <p>20 retire or there is something that we can do, because I</p> <p>21 just think it would look so bad if you are trying to find</p> <p>22 another job, then you would have to put you were fired.</p> <p>23 And I said: Well, that's what I am once I sign this, it</p> <p>24 reverts back to the original signature saying I take my</p> <p>25 signature off this, so I'm terminated. Well, let's just</p>

37 (Pages 145 to 148)

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1 see. So she made a call.
 2 Q. Who did she call?
 3 A. She called Ann James.
 4 Q. Were you there when she called Ann?
 5 A. Yes.
 6 Q. And what did you hear her say to Ann?
 7 A. She said: Hi, Ann, this is -- actually the first call she
 8 made, they referred -- I think it was Sara Hough, and she
 9 said: Well, I don't handle that. You would have to talk
 10 to Ann James. And then she said: Hi, Ann. I'm here with
 11 Lori Heethuis. I have you on speakerphone. We are trying
 12 to figure out something. She had a Last Chance Agreement.
 13 She got -- she is into a couple days of -- a day or so of
 14 her seven-day suspension, and we are just looking to see
 15 if she can retire at this time or what she can do, because
 16 she is revoking her Last Chance Agreement signature, which
 17 would make her terminated, so I'm just trying to figure
 18 out if we can -- we can retire her out basically. And
 19 that's what she said to her.
 20 Q. Did you talk to anyone from the union on the 23rd at or
 21 around the time you turned this revocation in to find out
 22 whether or not it actually turned into a termination when
 23 you turned in this letter?
 24 A. No. I didn't feel I needed to because it was quite clear
 25 in the last couple sentences that, you know, if I did not

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1 sign it, it was in lieu of termination. So therefore if I
 2 revoked my signature, in my mind it meant that I was
 3 terminated, so I didn't feel like I had to contact the
 4 union for that.
 5 Q. But the union would have grieved it for you, right?
 6 A. I don't know whether they would have or not. Ed said they
 7 would try. He said we would have to see. He said several
 8 things. I assumed that they would, but they hadn't
 9 grieved anything else for me, so I didn't --
 10 Q. Did you ever try to talk to him about that, did you ever
 11 go back to them and say I want to file a grievance on
 12 this?
 13 A. On this particular thing?
 14 Q. Yes.
 15 A. No.
 16 Q. And at this point you had not talked to the sheriff to
 17 find out whether or not this revocation actually meant you
 18 were terminated, had you?
 19 A. No. I just know that that's what it said. That's how
 20 they explained it, but if I did not sign it, that it was
 21 in lieu of termination, and that was it.
 22 MARKED FOR IDENTIFICATION:
 23 DEPOSITION EXHIBIT 17
 24 1:53 p.m.
 25 BY MS. AMTSBUECHLER:

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1 Q. Okay. On April 26th -- I marked as Exhibit 17 a document
 2 that you wrote to the sheriff. Do you see that?
 3 A. Yes.
 4 Q. Okay. Did you write that on April 26th?
 5 A. Yes. It was in the same day that I brought in the
 6 revocation of my signature, because Ann James told me that
 7 I could retire over the phone.
 8 Q. The revocation of what signature?
 9 A. Revocation of my signature of the Last Chance Agreement at
 10 10:30 that day. This was a little bit later on.
 11 Q. Okay. I thought that was on the 23rd. I have got to pull
 12 the document back up. Are you saying you turned in the
 13 revocation of the Last Chance Agreement and the retirement
 14 all on the 26th?
 15 A. I turned in the revocation on the 26th at 10:30, and then
 16 later in the afternoon, probably about, I don't know,
 17 12:30, 1:00, I'm guessing -- I'm not guessing, but I'm
 18 assuming it was -- I can't really recall the exact time on
 19 it. Then that's when we had talked to her, and she said:
 20 Yeah, she can retire. And Kathleen Julien said: When?
 21 And she said: Anytime she wants. And Kathleen looked at
 22 me and goes: When do you want to retire? And go: I
 23 don't know. And she goes: How about this Friday? And I
 24 said: Okay. And she said: Ann, is that good? And she
 25 goes: Yeah, I just need Lori to come over and get the

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1 paperwork for MERS and stuff, and we will go ahead and
 2 put --
 3 (Technical interruption).
 4 MS. AMTSBUECHLER: I lost her. I lost her
 5 audio. Stop.
 6 MR. DREW: Yes. Let me go in there and see.
 7 VIDEO TECHNICIAN: Off the record, 1:56 p.m.
 8 (Off the record at 1:56 p.m.)
 9 (Back on the record at 1:58 p.m.)
 10 VIDEO TECHNICIAN: Back on the record, 1:58 p.m.
 11 BY MS. AMTSBUECHLER:
 12 Q. Okay. Honestly I don't know where we left off, so let's
 13 make one thing clear. I was wrong about my understanding
 14 of the dates. I see now that you went on the 26th. You
 15 turned in the resignation, and you say that was 10:30, and
 16 then on the 26th you took this note later in the day,
 17 which we have marked as Exhibit 17.
 18 What I would like to clarify is what happened in
 19 between those times on that day? Will you please explain
 20 what happened in between those visits to the sheriff's
 21 office?
 22 A. Sure.
 23 THE WITNESS: Just so you know, there is like a
 24 chat thing from Jodie Chapa like right in the middle of
 25 that. There is an X. Can I hit that or no?

38 (Pages 149 to 152)

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1 THE VIDEOGRAPHER: Yes. I did not send you
2 anything, so that had to be from before.

3 MR. DREW: I hit the chat to get the number, so
4 yeah, hit the X to get rid of that.

5 THE WITNESS: Okay. There we go. Thank you.

6 BY MS. AMTSBUECHLER:

7 Q. All right. So you can see the document now, right?

8 A. Yes, I can see it.

9 Q. So what happened between the first note and returning with
10 this retirement note?

11 A. We left. I wrote that. We left to go get the paperwork.
12 I'm sorry. I left after she asked me all the questions
13 about what kind of party I wanted, so forth and so on,
14 when, and then I went down and I talked to my husband. We
15 had planned on going out of town that day. So he said:
16 Okay, so you are retiring then? And I go: Yes. And then
17 he said: Well, we better -- we better have you go back up
18 and see really what's going on, because can you retire?
19 And I said: I don't know if -- I don't think so, because
20 I don't turn 55 until January. And he said: Well, go up
21 and let Kathleen know that so she can let Ann James know
22 that and see if this is actually what's going to happen
23 before we go.

24 And so then I went back upstairs, and I was
25 talking to Kathleen, and James called and said: I'm

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1 sorry. I checked some things out. She goes: Well, I
2 have Lori here again. I have got you on speakerphone.
3 And she goes: Okay. I checked some things. And she
4 can't retire because she is short by eight months. And
5 Kathleen goes: Oh, I sent the e-mail out. I ordered the
6 cake. I got the room for the jury room. And she goes:
7 Okay. Well, what else can she do? And Ann James said:
8 What is she trying to do? And I said: I really would
9 just like to be able to know that I'm going to be able to
10 keep my insurance if I am terminated. And she said: You
11 can keep your insurance. What we do, and we do it for a
12 lot of people, Lori, we can freeze your insurance benefits
13 for you and your husband until you turn 55, and then when
14 you -- when we get your insurance back, the -- yours will
15 be sixty-six something and Damon's will be two twenty-two
16 something per month, however, you have to resign. And I
17 go: Resign? And Kathleen said: Resign? Well, what do
18 you mean? And she goes: We do it all the time. We just
19 have people resign, and then we will have Lori pick up the
20 MERS paperwork, and then just probably two weeks before
21 her 55th birthday, she needs to come down so we can start
22 getting things into motion to get her back on the county's
23 insurance and her husband back on. They called it the
24 Cadillac of Medicaid -- or Medicare, I mean. And, shoot,
25 I go: Are you sure, Ann, I go, that I have to resign?

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1 And she goes: Yeah, that's the only way you can do it.
2 We do it all the time, Lori. No big deal. And Kathleen
3 goes: Well, Ann would know, Lori. And I said: Okay.

4 And so then I went back down, talked to my
5 husband. He's like: Are you sure? I have never heard of
6 resigning. Went back up. She said: Well, you have got
7 to write a thing saying that you resigned. So then I did
8 that. To the best of my knowledge, it was the same day.
9 It was later in the day. I'm going to say it was anywhere
10 from around 2:30 to 3:30 at that point. We went over to
11 get the stuff for MERS.

12 I said: Damon, will you go in? I'm just beyond
13 myself at this point, you know, that this is happening.
14 So he went in, and he talked to Ann James, and he said:
15 Are you sure, Ann, that she has to resign? Are you
16 positive the word is resign in order to freeze her
17 benefits until she turns 55 in eight months? And she
18 said: Yes, I am sure. And I hope I don't -- I'm not
19 going to offhand any of you ladies, but my husband is from
20 a different era, like he's from Oak Ridge. And he says:
21 This is -- okay, I'm going to ask you one more time, Ann.
22 This is what Oak Ridge guys say. Are you cock sure she
23 has to use the word resign in order to get her benefits
24 when she turns 55? And she said: Yes, Damon, I am
25 absolutely sure. We do it all the time.

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1 So then he came, got in the car, had the MERS
2 stuff, and he said: She is cock sure, so I guess she
3 needs to resign. And I think that's actually when I went
4 back over and did the resignation at that point. So I
5 misspoke myself. It didn't happen before the resolution,
6 it happened before -- it happened after Damon talked with
7 her, and I went up and revoked the retiring. We changed
8 that and we changed it to resign. And Kathleen came out,
9 gave me a hug, said she is so sorry that this was
10 happening to me, and that, you know, at least you are
11 getting your insurance. We know you are getting your
12 insurance. And I said -- I got a little tear, and I said:
13 You have always been kind, Kathleen. I appreciate you
14 trying to help me out of this, I said, and make it a
15 little easier landing, I said, but the fact is that I
16 don't even know if this is going to go because I am
17 actually terminated at this point. So I'm going to go
18 with what Ann James says because she is the specialist,
19 and so here is this. So she had all three of them.

20 Q. So did you have any conversation with Ann James about your
21 years of service or was it only about whether you were
22 eligible by age?

23 A. She said: It has to be years of service, and if you don't
24 have years of service, it can be by your age, but it will
25 take a big hike -- you have to take a big cut, a big cut,

39 (Pages 153 to 156)

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1 Lori, on your pension. And then Kathleen said: Isn't it
 2 like two-and-a-half percent every month that she is short?
 3 So they were kind of going back with numbers back and
 4 forth, and I was listening, and I go: Okay. As long as I
 5 can keep my insurance, then, you know, I said, I'm going
 6 to run over and get the MERS stuff from you and stuff, and
 7 then we will get this done, and so I went over there --
 8 Q. Okay, okay, okay. You knew you had -- you did not have 25
 9 years of service, right?
 10 A. Yeah, I knew I didn't, but I didn't know if there was
 11 something -- because she said something about it being
 12 a (inaudible) clause --
 13 Q. Okay. The question was --
 14 A. -- so I don't know.
 15 Q. Did you talk to anyone besides Kathleen and your husband
 16 and Ann James before making all these decisions?
 17 A. No.
 18 Q. At some point that day did you talk with the sheriff?
 19 A. Yes. The guy that does the accounting called him and
 20 said: Hey, Lori is in here. She is trying to do this,
 21 that, and you might want to come on back.
 22 So as I was leaving after all of the hugs and
 23 talking to Kathleen and her telling me it was going to be
 24 okay, I was opening the door while he was pulling the door
 25 open on the other side, and he goes: Hey, I'm glad I

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1 caught you Lori. And he says: Can I talk to you? And I
 2 said: Sure. I'm really not -- I'm not of -- I just don't
 3 know what I want to say to you. I don't know if there is
 4 anything I can say to you. I go, I would rather just not.
 5 And he said: Oh, come on. I'm not going to bite. He
 6 said: I will even leave the door open. And there was a
 7 lady that was in there that was trying to pay a bill, and
 8 he said: She can even come in if she wants to. I just
 9 want to talk to you for a minute. And so against my
 10 better judgement, I did go into the office with the door
 11 open and speak with him.
 12 Q. The sheriff?
 13 A. Yes.
 14 Q. In his office?
 15 A. Yes.
 16 Q. Okay. Was this after you had turned in the retirement
 17 note but before you turned in the resignation note?
 18 A. I may have been going down to write it. I don't recall
 19 actually on if it was before or after.
 20 Q. All right. But you talked about whether you were going to
 21 retire?
 22 A. He said: I saw that you were going to retire, and then I
 23 saw that you weren't. And he goes: I just wanted to ask
 24 you, do you have enough -- are you financially set enough,
 25 is what I am trying to say, he said, to retire? And I

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1 said: Not really. He said: Well, you are a good worker.
 2 You know, we just have to iron some things out, that's
 3 all. You have been here what, 21 years? And then he
 4 jumped from that to was I involved in that thing with
 5 Gilchrist? I remember hearing about it, and I don't know
 6 if I came in while you were in talking to the undersheriff
 7 or if I just heard it passing through, or do you remember
 8 me being there at all? And I go: You came in and you
 9 walked past, but you didn't -- you didn't come in. And he
 10 goes: Yeah, that's right. I don't think I did come in.
 11 I thought for a minute I did come in, he says, but I do
 12 know that after you left, I said, well, this needs to be
 13 investigated. She is making a complaint. And the
 14 undersheriff said: Oh, no, no, it's not going to be
 15 enough, and she doesn't want to pursue it, which was a
 16 lie, and he said, so I -- that's about as much as I knew
 17 at that point that something had happened, but he said we
 18 weren't going to pursue it, and I said: Well, yeah,
 19 that's what happened when all of a sudden I was under all
 20 of these investigations because they made Sergeant
 21 Gilchrist the interim jail administrator while the new
 22 jail was being built.
 23 Q. So is it your testimony that you had this conversation
 24 with the -- oops. I lost my picture of you -- with the
 25 sheriff -- there you go -- with the sheriff on that day

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1 when you were in there talking about whether you were
 2 going to retire or resign?
 3 A. Yes.
 4 Q. Okay. Did he encourage you not to retire or resign during
 5 this conversation?
 6 A. He just said: I don't think you should retire. You have
 7 only got three years left, Lori. You can do that with
 8 standing on your head basically. And he said: I think it
 9 would be better if you stay. And I said: I will stay if
 10 you will take number 11 out of the Last Chance Agreement.
 11 Even though I don't feel this is right, I will stay if you
 12 take number 11 out of the -- and before I could get it out
 13 the second time, he said: I just can't do that, Lori. I
 14 said: Then I can't stay.
 15 Q. Number 11 was what?
 16 A. It was taking away all my rights, all my civil rights for
 17 any litigation from before, during or after.
 18 Q. All right. So you are telling me that he told you no, and
 19 you told him therefore you weren't going to stay, you were
 20 still going to retire or resign?
 21 A. No, I told him I wasn't going to stay, and he says: Oh,
 22 come on, come on. And I just felt like he was cornering
 23 me, because he was coming at me, oh, come on, you can
 24 stay, you can stay, and all I can think of is I can't stay
 25 if you leave that 11 in there because I'm not going to

40 (Pages 157 to 160)

LORI LYNN HEETHUIS, 9-25-2020

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1 have that in there. I'm not going to agree to it. And so
 2 just to get out of there, I said: Fine, I will come back.
 3 I will just do the stuff. I just wanted out. I felt like
 4 I was just caught like a rabbit in a corner, so I just
 5 said it so I could get out of his office.
 6 Q. Okay. So you didn't really mean it; you were still not
 7 planning on staying?
 8 A. No, I knew I couldn't stay, but every time I said no, he
 9 was, well, come on, you can -- you know, it's just seven
 10 days, and you are a good worker, and, you know, we have
 11 got Dan Stout on a Last Chance Agreement, too. We have
 12 got other people, Lori. It's just -- you know, and he has
 13 done really good with his. His whole attitude has
 14 changed. And you just need to not be as friendly. You
 15 are too familiar with the inmates. And you just need to
 16 not talk about what happened, because people just don't
 17 want to hear it. It's just -- you know, they don't like
 18 hearing stuff like that. And I said: Well, you know, I
 19 don't like things like that happening to me, and nobody
 20 doing anything either.
 21 So it was just a -- we were at an impasse, I
 22 felt. He was just going to keep saying you need to stay.
 23 In my mind I was saying I can't stay because you won't
 24 take that out.
 25 Q. What time of day was this?

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1 2:15 p.m.
 2 BY MS. AMTSBUECHLER:
 3 Q. And then, by the way, then Exhibit 18 there was a memo
 4 from Kathleen putting out a retirement party notice at
 5 2:15. Did you see that?
 6 A. Yes.
 7 Q. Okay. And then I have got notes here from Ann James that
 8 show a phone -- or a conversation with you at 4:20 and a
 9 conversation at 2:26. So the first one at 2:26 would have
 10 been after the retirement party notice. Of course that
 11 could have been when she made it, I don't know, but you
 12 are saying that you talked to her before the retirement
 13 party notice went out or not?
 14 A. I talked to her, and that's when she said that I could
 15 retire, and that's why Kathleen sent that notice out that
 16 I was retiring, because she said I could, and she said:
 17 Well, what date can she, Kathleen said, what date can Lori
 18 retire? And she said: Any day she wants to. She could
 19 retire tomorrow if she wants to. And Kathleen looked at
 20 me and goes, when do you want to retire? And I said, I
 21 really don't care because I really was stunned at what was
 22 going on, and I was like --
 23 Q. I'm still just trying to focus on the order. So then you
 24 talked to her again at 4:20. Was this after you had
 25 already talked to the sheriff or was this before you

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1 A. It was late afternoon, probably --
 2 Q. So was this -- I'm trying to put this in order. Was this
 3 before you talked to Ann James for the second time that
 4 day or not?
 5 A. It was -- after I talked the second time to Ann James, I
 6 believe, because I was leaving to go get the MERS
 7 paperwork and talk to her and then bring the -- bring it
 8 back -- bring the -- excuse me, I'm sorry, my tongue is
 9 getting tied -- to do the resignation at that point.
 10 Q. All right. I'm still trying to understand the order of
 11 these. I'm looking at some of the documents to see if it
 12 helps, so let's --
 13 A. Okay.
 14 Q. We have got the retirement note on April 26th, right, that
 15 was after you turned in the revocation of the last chance
 16 at 10:30?
 17 A. Yes, yes.
 18 Q. In between the revocation of the last chance and this
 19 retirement, you had not talked to anybody but your
 20 husband?
 21 A. No, I talked to Ann James -- I talked to Kathleen who
 22 called Ann James.
 23 Q. Okay. That was then. All right.
 24 MARKED FOR IDENTIFICATION:
 25 DEPOSITION EXHIBIT 18

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1 talked to the sheriff?
 2 MR. DREW: Counsel, the 4:20, 164-D seems to
 3 indicate that it was on April 29th.
 4 MS. AMTSBUECHLER: Thank you. That may be why
 5 I'm confused.
 6 MR. DREW: Right.
 7 MS. AMTSBUECHLER: Right.
 8 BY MS. AMTSBUECHLER:
 9 Q. Okay. So let me make sure I'm clear. I'm going to go
 10 back to the beginning.
 11 On April 26 you turned in the revocation, and
 12 then you had --
 13 A. Correct.
 14 Q. -- a conversation with Kathleen, and you and Kathleen
 15 talked to Ann James, and that was all on the 26th, and
 16 then you turned in the retirement note, right, on the
 17 26th?
 18 A. Yes.
 19 Q. And then she put out the notice of a party around 2:15.
 20 You talked to the sheriff at some point on the 26th after
 21 that?
 22 A. After -- I talked to him when we thought it was still a
 23 retirement, I believe, because he asked me: Are you
 24 really -- financially can you retire at this point, Lori?
 25 So I have to believe it was his response of that that the

41 (Pages 161 to 164)

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1 **only thing we had done at that point was the retirement,**
 2 **and that I had talked to her about the resign part, but he**
 3 **hadn't brought that up.**
 4 Q. All right. So then after that you talked to Ann James
 5 again, and you decided to turn in a resignation; is that
 6 what you are saying?
 7 A. Well, she had called back. When she called back to tell
 8 Kathleen that I could not retire because I was eight
 9 months short, and that -- and then she said: Well, what
 10 do you -- what do you really want to do, Lori? I said:
 11 Well, you know, I was hoping that I could retire, but
 12 obviously I can't. And I said: You know, I don't know.
 13 I just wanted to somehow be able to freeze my insurance or
 14 still have my insurance with the county. I said: You
 15 know, at this point of the game without the retirement,
 16 I'm back to being terminated, so I'm not really sure. And
 17 that's when it was talked about, about her being able to
 18 freeze it if I did a resigning of the position.
 19 Q. So this conversation was on the 26th while you were still
 20 over talking with Kathleen. Was it over the phone again?
 21 A. Yes, it was over the phone, and she was made aware that I
 22 was there, and she was on speakerphone.
 23 Q. So this was the second conversation with Ann James while
 24 you were with Kathleen on the 26th; is that right?
 25 A. Yes.

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1 **posttraumatic stress disorder and anxiety disorder and so**
 2 **forth, and that I needed it, and that if we could just get**
 3 **it -- if they could freeze it until my birthday, and I**
 4 **come in two weeks before, that I was willing to forego**
 5 **everything that they had done to me over the last almost**
 6 **11 years if I could just have insurance for my husband who**
 7 **needed these treatments.**
 8 Q. Do you need a break?
 9 A. No, I'm fine. I'm sorry.
 10 Q. Okay. So when you turned in this resignation on the 26th,
 11 you believed, your testimony is you believed that your
 12 health insurance would pick back up in January?
 13 A. Yes.
 14 Q. When you turned 55?
 15 A. Yes, that's correct.
 16 Q. And this was based on what you are saying the telephone
 17 conversation was with Ann James while you were in there
 18 with Kathleen?
 19 A. Yes.
 20 Q. And Ann James was on the speaker?
 21 A. Yes.
 22 Q. But presumably Kathleen would have heard the same stuff?
 23 A. Yes.
 24 Q. Okay. And when did you find out that you would not get
 25 the health insurance when you turned 55?

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1 MARKED FOR IDENTIFICATION:
 2 DEPOSITION EXHIBIT 19.
 3 2:19 p.m.
 4 MARKED FOR IDENTIFICATION:
 5 DEPOSITION EXHIBIT 20.
 6 2:19 p.m.
 7 BY MS. AMTSBUECHLER:
 8 Q. Exhibit 20, the first page of that has a note that you
 9 wrote again on the 26th saying that you are resigning. Do
 10 you see that?
 11 A. Yes.
 12 Q. Is that what you wrote after that second conversation with
 13 Ann James?
 14 A. Yes, because I was told that I would be able to freeze my
 15 insurance, so yes, that's correct.
 16 Q. And the reason you switched from retire to resign was
 17 because you thought you could freeze your insurance?
 18 A. Exactly, yes.
 19 Q. What did that mean to you, did that mean that you would
 20 get your insurance in January?
 21 A. Yes. The way I understood it is we just had to hold on
 22 until January, and it meant the world to me because my
 23 husband was diagnosed with cancer, and I knew that he had
 24 medical treatments and surgeries coming, and I knew that I
 25 was having -- I had some medicine I had to be on for

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1 A. I was left a voicemail, I believe the 26th, if I'm -- if
 2 I've got my dates right. I think that was a Thursday
 3 possibly, and anyways, the very next day at like 4:46, I
 4 had a call that I missed from the county, human resources,
 5 and on it it stated that -- that there had been an error,
 6 that I would not be getting any insurance at any time when
 7 I turned -- either now or when I turned 55 in January, and
 8 neither would my husband, and that the date of my
 9 insurance terminated as of midnight on the 26th, and that
 10 to give them a call. When I tried to call, it was too
 11 late, because I had to listen to it, and then I got my
 12 husband, and I said listen to what they are saying now.
 13 So then I went down there, I believe it was on
 14 Monday, and I said: I have got to resign, Kathleen. And
 15 she goes: Resign? Why? Or I have got to revoke it, and
 16 I said: They called me, and said I can't get my
 17 insurance. And she goes: What? What? She goes she said
 18 you could get your insurance. And I said: I know, but I
 19 got this voicemail, and I played it for her, and she goes:
 20 I can't believe this. I go: So I have to give you this
 21 revocation of my resignation because I was led to believe
 22 that if I did this, I would get my insurance for my
 23 husband and myself, and it's not going to happen, so I'm
 24 revoking this, which will revert me back to the
 25 termination. I said: I appreciate everything you have

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1 done. And she goes: Oh, this is terrible, this is
 2 terrible. She said: I already sent your paperwork over
 3 for resigning. She said: I will take a copy of this. I
 4 want you to take a copy and bring it over to human
 5 resources and tell them to put it in your file because
 6 they have your file. And I said: Okay. So go over there
 7 and tell them? And then she said: Well, don't tell them
 8 I said to do it. She said: Just go over there and tell
 9 them that you dropped one off here and you wanted to drop
 10 one off to them because you were told that your packet,
 11 your resignation and your whole packet of your information
 12 was brought over there. So I thanked her again. She
 13 hugged me. She said: I really hope it turns out, Lori.
 14 I just don't know. And I went over, and they time stamped
 15 it and initialed and said they would put it in my file,
 16 and I said thank you.
 17 Q. Exhibit -- again, we are looking at Exhibit 20, Bates
 18 stamp page 153-D. Is that the document you are talking
 19 about?
 20 A. Yes.
 21 Q. And that's 4:16 p.m. Is that around the time you dropped
 22 it off on April 30th?
 23 A. That was when I -- that's when they time stamped it at
 24 human resources.
 25 Q. Right.

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1 after you had gotten the message about the fact that the
 2 original information was wrong?
 3 A. Yes, that is correct.
 4 Q. Do you still have that voicemail message that you played
 5 for Kathleen?
 6 A. I'm not sure. I would have to check. I really am not
 7 sure.
 8 Q. It was on your cellphone?
 9 A. It was on my cellphone, but my -- the messages, they only
 10 stay for so long, and then they delete by their selves,
 11 you know, automatically. The settings are set for so many
 12 of them to be kept, and then they delete some of the older
 13 ones, so I'm not sure if it has been deleted or if it's
 14 still on there.
 15 Q. Well, please check.
 16 So as things stand now, when you turned 55 in
 17 January, did you get -- start getting any retirement?
 18 A. Yes, I did.
 19 Q. What are you getting now?
 20 A. I have a partial pension of approximately \$1,668 and some
 21 change a month.
 22 Q. Have you done any calculations on what it would be if you
 23 would have stayed for your 25 years?
 24 A. I believe Ms. Hough did it at one time, because I had
 25 checked earlier before all of this had happened, and she

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1 A. So I probably was at the sheriff's office at about, I
 2 would say somewhere between probably 3:50 to 4:00 -- I
 3 believe 4:10, 4:12, something like that, and then when I
 4 left there I directly went over to human resources across
 5 the street.
 6 MR. DREW: Just one minutes, Laura. What
 7 exhibit number was that last one? Because I think 20 was
 8 the resignation.
 9 MS. AMTSBUECHLER: 20 was a multi-page document
 10 that had the resignation and that in it. It's Bates stamp
 11 pages 3-D through 156-D. I sent you those yesterday.
 12 MR. DREW: I didn't see the bottom part, that's
 13 all. Okay.
 14 MS. AMTSBUECHLER: Yeah, yeah. Okay.
 15 BY MS. AMTSBUECHLER:
 16 Q. All right. So that was on the 30th. This note from Ann
 17 James says you talked to her on 4-29-19 at 4:20 p.m. Did
 18 you actually talk to her at that date and time, which
 19 would have been the day before you turned in that
 20 revocation of your resignation?
 21 A. I talked to -- I did have a conversation. I don't recall
 22 it being Ann James. I thought it was Sara Hough, but I
 23 could be wrong on that. I just know I did talk to
 24 somebody, because I didn't get a chance prior.
 25 Q. Was that conversation on the 29th, with whoever it was,

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1 said it would be, if I stayed to 25 years, it would be
 2 approximately thirty-six -- thirty-six hundred, and some
 3 odd. I don't remember the -- I know it was thirty-six, so
 4 it was basically cut like in half almost.
 5 Q. When did you have that conversation with Sara Hough?
 6 A. Oh, I went in I want to say -- I really can't recall. I
 7 know it was prior to that, prior to everything happening,
 8 so I want to say in the spring, because I wanted to see
 9 when I could actually do it, and Sarah said she would have
 10 to talk to Ann, but that to her calculation, it would be
 11 approximately that if I stayed to 25, but it would be
 12 reduced if I retired any earlier than that, if I retired
 13 21, 22, 23, it would be lessened by so much of a
 14 percentage.
 15 Q. It was in the spring of what year?
 16 A. It might have been the summer. I know it was before that,
 17 so it would be maybe in '20 and maybe in '21. No, it
 18 wouldn't have been '21. I'm sorry, I have got my dates
 19 mixed up here. I want to say 2018, but I really, really
 20 don't recall. I know it was before all of the other
 21 things started happening.
 22 Q. Before what, the fitness for duty?
 23 A. Yeah, before all of that started happening, because with
 24 my husband being sick, I wanted to see exactly what I
 25 could do, when I could do it, because I wanted to

43 (Pages 169 to 172)

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1 hopefully be -- from my understanding, I would be able to
 2 purchase at a reduced rate my insurances for both of us,
 3 when I talked to Sara, because I just wanted to spend some
 4 time with my husband because they had said he would die by
 5 Thanksgiving that year.
 6 Q. So it was the year you thought he might die, and you
 7 wanted to spend time with him, so you went in to see what
 8 your options were about retirement and health care; is
 9 that what you are saying?
 10 A. Yes, and my husband went with me as well.
 11 Q. All right. And that's when you talked to Sara?
 12 A. Yes.
 13 Q. Okay. What are you doing now for health insurance?
 14 A. I have no health insurance.
 15 Q. Well, how do you get your health bills paid, or your
 16 husband's? Are you on Medicaid?
 17 A. My husband has had to beg and plead and go into clinical
 18 trials, and he did pick up a Part D on his Medicare, which
 19 does help somewhat, that so far like the radiation, and
 20 special testing at U of M, he was considered a case study.
 21 He had to wait four months for that because he had
 22 exhausted all of his medical treatments at that point.
 23 There was nothing more they could do, and then they came
 24 up with this case study, where it shows exactly where the
 25 cancer is, and so that they can send it back to the

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1 radiologist.
 2 Q. So how do you get your health bills paid, if you need
 3 them?
 4 A. My health bills paid? My one med that's very expensive, I
 5 was able to make a call to the company that actually makes
 6 the Vyvanse, and they put me on a hardship, and I have had
 7 -- been able to get it for free. That's coming up to
 8 where I have to re-call them and see if I can reapply for
 9 it. My other meds are not really expensive, so we can
 10 afford to do that between my 1,600 and my husband's 1,600
 11 that he gets for his Medicare.
 12 Q. Do you get -- how do you pay any doctors bills? Have you
 13 gone to the doctor at all since you were (inaudible) --
 14 (Speaking simultaneously).
 15 A. I do, I do -- I'm sorry, I didn't mean to speak over you.
 16 I apologize. I do go to Dr. Powell every three months
 17 because I have to because of the meds that I'm on, and I
 18 just have to pay with cash.
 19 BY MS. AMTSBUECHLER:
 20 Q. And what about the therapist, Dr. Strang or Strang?
 21 A. I can't afford to see her. I haven't seen her since all
 22 this happened. Well, just prior to, because my shift
 23 changed, and she only worked in the afternoons, and I had
 24 to work in the afternoons at that point, so I couldn't see
 25 her for a couple months. Then I couldn't see her again

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1 because I didn't have the money.
 2 Q. So is it your testimony then that the only doctors or
 3 psychiatrists or therapists that you have seen since April
 4 of 2019 would be actually Dr. Powell; is that right?
 5 A. Yes, Dr. Powell.
 6 Q. And you've paid cash to him?
 7 A. Yes.
 8 Q. And for any medications other than the Vyvanse you have
 9 paid cash?
 10 A. Yes.
 11 Q. So you have not got any Medicaid for anything?
 12 A. I was eligible for one month. I had to have a surgery, an
 13 outpatient surgery, and I had been working with a Ms.
 14 Davis on that, and she said you can't use your six months
 15 prior because you made too much money at the department,
 16 and after six months you can reapply, and I did, and I got
 17 it for exactly 30 days. I was able to have the outpatient
 18 surgery, it was successful, and it ended. It was 30 days
 19 exactly that I had it.
 20 Q. Was that surgery by a Dr. T-O-M-A-S-C-Z-Y-K?
 21 A. Yes, Dr. Tomasczyk.
 22 Q. February 8th of 2020?
 23 A. Yes.
 24 Q. What surgery was that?
 25 A. I had exterior and interior hemorrhoids, and it was very

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1 bad to the point where he said I needed to have the
 2 surgery.
 3 Q. All right. And the way I know that is you posted about
 4 him online and said he was a great doctor?
 5 A. Yeah.
 6 Q. Okay.
 7 A. I gave him a review.
 8 Q. Any other -- so that was paid for by Medicaid?
 9 A. Yes.
 10 Q. Okay. And that's the only other medical that you have
 11 had, right?
 12 A. Yes.
 13 MARKED FOR IDENTIFICATION:
 14 DEPOSITION EXHIBIT 21
 15 2:35 p.m.
 16 BY MS. AMTSBUECHLER:
 17 Q. Okay. I'm going to show you Exhibit Number 21, which is
 18 the 2019 EEOC filing that you submitted. Do you see that?
 19 A. Yes.
 20 Q. Okay. Is that your signature there?
 21 A. Yes, it is.
 22 Q. Did you have any help writing this?
 23 A. No. I mean --
 24 Q. Okay. Did your lawyer write it for you or did you write
 25 it?

44 (Pages 173 to 176)

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1 A. I had to write it, and then I believe it was -- I'm not
 2 really sure, but I believe Carla typed it up and said read
 3 this and make sure that I have it correct, and then you
 4 will need to sign it.
 5 Q. Most of this we've talked about. In the third paragraph
 6 that says around April 5, 2019, it goes into your
 7 discussion about a sergeant wrongfully telling co-workers
 8 that you were mentally unfit. Who were you talking about
 9 there?
 10 A. The sergeant that said I was mentally unfit? There was
 11 several of them, but to my understanding, it was Sergeant
 12 Smith at that time.
 13 Q. It's a very specific date, April 5. How did you know that
 14 date?
 15 A. I was told.
 16 Q. By who?
 17 A. By some of my co-workers and some of the inmates.
 18 Q. Who, who told you --
 19 A. I think it was Deputy Riddle. It was, I want to say,
 20 Deputy Arends possibly. I can't recall. There were just
 21 a couple of people, and then most of the inmates were
 22 saying we can't believe you are back. They said that you
 23 were mentally unfit, that you had a nervous breakdown, and
 24 that you would never be back. And I said, who is saying
 25 that? And they said the sergeant and the deputy. And I

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1 said, okay, well, no, that wasn't the situation, but I'm
 2 back.
 3 Q. So who told you that a statement was made specifically on
 4 April 5?
 5 A. From the sergeant? I really can't remember. It was
 6 either the sergeant -- or I mean, I'm sorry, Deputy Riddle
 7 or -- I want to believe it was either Sergeant
 8 Burton-Jones or Deputy Arends. I really can't recall.
 9 I'm sorry. Those are the ones that come to mind, but I
 10 don't know.
 11 Q. Is there an audio recording of anybody making the
 12 statements about you being mentally unfit?
 13 A. Not that I'm aware of.
 14 Q. So you said that Sergeant Smith made this statement.
 15 Somebody told you it was made on April 5, 2019. Again, I
 16 would like to know how you know that date specifically.
 17 Did you make a note of it? I mean where does that date
 18 come from?
 19 A. Yes, I made a note of it, I made a note of it when I was
 20 told that.
 21 Q. Where is that note?
 22 A. I wrote it with just a -- it was on -- we have these
 23 datebooks that I keep in our pocket, and I just jotted it
 24 on the date, and I don't any longer have any of the small
 25 notebook things from year to year that we bought for a

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1 dollar.
 2 Q. Were those notebooks supplied by the sheriff's office or
 3 you made that -- you kept that notebook?
 4 A. The sheriff's office, they sold them for a dollar, and --
 5 for printing them, and they were just generic little books
 6 that fit in our pocket so we could note things or we could
 7 X out if we were doing vacations at a certain time or if
 8 we changed shifts with somebody and we were going to work
 9 for somebody, and they were going to pass back, just
 10 things like that.
 11 Q. What did you do with that notebook?
 12 A. Well, every year I get rid of them, because I don't need
 13 them. It's just a little tiny datebook, is what it is.
 14 Q. What did you do with the one from 2019 after you left
 15 work?
 16 A. I threw it away. I didn't need it anymore.
 17 Q. Okay. Did you -- do you have any more specifics about
 18 what Sergeant Smith said about you being mentally unfit?
 19 Do you know more specifically what he said?
 20 A. Not that I can recall.
 21 Q. I think now might be a good time to take a break.
 22 VIDEO TECHNICIAN: We are off the record, 2:40
 23 p.m.
 24 (Recess taken at 2:40 p.m.)
 25 (Back on the record at 2:55 p.m.)

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1 VIDEO TECHNICIAN: We are back on the record,
 2 2:55 p.m.
 3 MARKED FOR IDENTIFICATION:
 4 DEPOSITION EXHIBIT 22
 5 2:55 p.m.
 6 BY MS. AMTSBUECHLER:
 7 Q. All right. I've got up on the screen here a portion of
 8 your answers to Defendants' first discovery request, which
 9 I have marked as Exhibit Number 22. Do you see this where
 10 you have listed the jobs you have applied for?
 11 A. Yes, some of the jobs I've applied for, yes.
 12 Q. Okay. And then it goes on to the second page, see all
 13 that, it goes through Shoreline Vision?
 14 A. Yes.
 15 Q. Have you applied for any other jobs since then?
 16 A. Yes, I did. If you can scroll back down for me just for a
 17 moment, I want to make sure. All right. I worked for La
 18 Fiesta. It's a chip making manufacturer up in Whitehall.
 19 Q. I'm going to stop you for a second. Hold on a minute,
 20 because I have, in another answer, I have got the places
 21 that you actually worked, so --
 22 A. Oh, okay.
 23 Q. -- I'm asking you about where you have applied, not gotten
 24 work.
 25 A. Right, and I had more, but I just felt -- I had those

45 (Pages 177 to 180)

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<p style="text-align: right;">Page 181</p> <p>1 right at hand, so that's why I did those. I also used</p> <p>2 Indeed in the unemployment office, even though I wasn't</p> <p>3 getting unemployment, I could still go to Michigan Works,</p> <p>4 so that's part of that and part of Indeed. I am sorry,</p> <p>5 yes.</p> <p>6 Q. Did you keep a record of your applications for other</p> <p>7 employment?</p> <p>8 A. Other than most of them had to be gone through Indeed, and</p> <p>9 I didn't keep the e-mails, but I'm sure that I could</p> <p>10 message them and ask for a history of all of the places</p> <p>11 that I went through with them.</p> <p>12 MR. DREW: Counsel, she brought in some records</p> <p>13 today that look like something she filled out for</p> <p>14 unemployment. It's about fifteen pages, maybe more, of</p> <p>15 all of the places I believe she applied or some of them or</p> <p>16 more of them or something.</p> <p>17 MS. AMTSBUECHLER: All right.</p> <p>18 MR. DREW: We can copy those and send them to</p> <p>19 you.</p> <p>20 MS. AMTSBUECHLER: All right.</p> <p>21 MR. DREW: And she can discuss what they are,</p> <p>22 but I think they are different places for some forms she</p> <p>23 filled out for unemployment.</p> <p>24 MS. AMTSBUECHLER: Okay.</p> <p>25 BY MS. AMTSBUECHLER:</p>	<p style="text-align: right;">Page 182</p> <p>1 Q. What kinds of jobs have you been looking for? When you</p> <p>2 look, what are your parameters?</p> <p>3 A. Well, I wanted to get into maybe a lateral position in</p> <p>4 another county or possibly like in the Friend of the Court</p> <p>5 or District Court, Circuit Court worker type thing, but I</p> <p>6 found out quickly that that was not going to be an option,</p> <p>7 so I just started applying everywhere. I applied from</p> <p>8 attorney's offices to gas stations just trying to get a</p> <p>9 job.</p> <p>10 Q. So let's break this down a little bit the jobs that you</p> <p>11 say you applied everywhere, were you looking for a</p> <p>12 particular type of job, like a secretary job, an office</p> <p>13 job? Did you have some kind of way to narrow down what</p> <p>14 you were looking for?</p> <p>15 A. Yes. I wanted to be in like an office job if I could not</p> <p>16 continue with a lateral move, but eventually I just kind</p> <p>17 of went anywhere to see if I could get any kind of job,</p> <p>18 because I wasn't getting any responses from almost a</p> <p>19 hundred percent.</p> <p>20 I got a response from the Van Tubergen, Treutler</p> <p>21 & Hayes, they interviewed me, and then they called me</p> <p>22 about, I want to say three days later and said, I'm sorry,</p> <p>23 you know, you did a great interview. We wish you luck,</p> <p>24 but we have hired somebody with a little bit more</p> <p>25 experience --</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. Okay.</p> <p>2 A. -- that they wanted.</p> <p>3 Q. What kind of job was that?</p> <p>4 A. That would have been like a front desk person who handles</p> <p>5 the clients' phone calls, took in information, did the</p> <p>6 mail that came in the day and disburse that, make</p> <p>7 appointments, and greet people that were there to see them</p> <p>8 for appointments.</p> <p>9 Q. What other jobs did you apply for that you say were</p> <p>10 lateral, court or county type jobs?</p> <p>11 A. I went through Indeed, but I don't know if they did them,</p> <p>12 because Indeed said something about if you don't have your</p> <p>13 words specifically, that it may not get through the</p> <p>14 screening, I guess, but like New Era, Ottawa, there was</p> <p>15 one other one. I'm trying to think. I have done so many,</p> <p>16 it's hard to recall all of them. Central dispatch, they</p> <p>17 had their own, and it linked me in, and I think it said</p> <p>18 that they never sent me anything back because it took me</p> <p>19 off Indeed and flipped me to their link, and I don't have</p> <p>20 a laptop or a computer, I only had my phone, so I'm not</p> <p>21 sure if they ever got that.</p> <p>22 Q. You tried to do all of this on your phone?</p> <p>23 A. Yes.</p> <p>24 Q. And you are trying to do the applications for other</p> <p>25 counties or courts, you said you did those through Indeed?</p>	<p style="text-align: right;">Page 184</p> <p>1 A. I did -- I did some of them through Indeed, but I also</p> <p>2 called and asked if they had any openings available or if</p> <p>3 I could bring down a resume.</p> <p>4 Q. Who did you call?</p> <p>5 A. I called the Ottawa, just in their general -- I think she</p> <p>6 was just a receptionist, and I asked if there was anything</p> <p>7 at that time available, told her that I had worked for 21</p> <p>8 years at Muskegon County, and she said there was nothing</p> <p>9 at that time, but if I wanted to get on Indeed or if I</p> <p>10 wanted to get on their site and do it, that I could do it</p> <p>11 that way, and then if something became available, they</p> <p>12 would have my resume on file.</p> <p>13 Q. What did you apply for with 911, in what county was that</p> <p>14 or what 911 was that?</p> <p>15 A. Well, are you talking about the -- I tried to fill out the</p> <p>16 application for central dispatch in Ottawa County.</p> <p>17 Q. And that was on the Indeed platform?</p> <p>18 A. Yes, Indeed, but then it flipped me over to their website.</p> <p>19 From Indeed it said you are leaving Indeed and it put me</p> <p>20 on their site.</p> <p>21 Q. You have stated somewhere, I have read, in something that</p> <p>22 has been written, that you believe that someone from the</p> <p>23 county or the sheriff's office has somehow interfered with</p> <p>24 your ability to get another job. Is that your belief?</p> <p>25 A. That is my belief, yes.</p>

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- 1 Q. Why, on what basis?
- 2 **A. Because I can't even get a job at a gas station.**
- 3 Q. Who do you think is interfering and what do you think they
- 4 have done?
- 5 **A. I think HR is telling them you don't want to hire her.**
- 6 **She has got a lawsuit against us, you know, any number of**
- 7 **things. She is a bad egg. I don't know, but it's just I**
- 8 **have applied for so many jobs and not even gotten a call,**
- 9 **not an e-mail, not anything from places that I'm -- you**
- 10 **know, I mean I would even be happy with a you are**
- 11 **overqualified, we would love to hire you, but you are**
- 12 **overqualified.**
- 13 Q. Has anybody told you that anybody from the county or the
- 14 sheriff's office has said anything negative about you when
- 15 they have called?
- 16 **A. No. I didn't ask anybody, and nobody called me, so I**
- 17 **think I'm understanding your question like you are saying**
- 18 **like Van Tubergen, Treutler & Hayes?**
- 19 Q. Right.
- 20 **A. Like they called me back, but on this list they are the**
- 21 **only ones who called me back, or even e-mailed me -- no**
- 22 **e-mails, no calls, no nothing.**
- 23 Q. Okay. I know you have Facebook. Were you friends with
- 24 anybody from the sheriff's office on Facebook?
- 25 **A. Yes.**

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- 1 Q. Well, I'm asking you the questions, and I am asking for an
- 2 answer. I'm not asking about your grandchildren. Did you
- 3 exchange Facebook messages with people about the goings-on
- 4 at the sheriff's office?
- 5 **A. I may have. I don't recall. I don't recall when. I**
- 6 **don't recall the specifics of it if I did.**
- 7 Q. Have you deleted anything from your Facebook Messenger
- 8 account?
- 9 **A. Yeah. I deleted a lot of stuff when it gets too full**
- 10 **because I'm always on the high end of 64 gigabytes, so...**
- 11 Q. Why do you believe that what's on your Facebook account
- 12 goes towards the gigabytes of what's on your phone?
- 13 **A. Because it does.**
- 14 Q. So when is the last time you deleted from your Facebook
- 15 account messages?
- 16 **A. I really don't know. I'm sorry.**
- 17 Q. Well, I'm asking you now not to delete anything else
- 18 pending our sorting this out in this lawsuit.
- 19 Are you claiming that you've got any physical
- 20 injuries as a result of anything that happened to you at
- 21 the sheriff's office, and I'm not talking about things
- 22 that you had work comp for, but anything as a result of
- 23 any of the stress or anything like that, are you claiming
- 24 you have been physically injured?
- 25 **A. I have gained a lot of weight since then. I don't know if**

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- 1 Q. Who?
- 2 **A. Corey Meyer.**
- 3 Q. Who? I'm sorry. Spell that.
- 4 **A. I'm sorry, Corey Meyer. And Shawn Derrick, he's not there**
- 5 **anymore, but I was friends with him, and I believe Eric**
- 6 **Anderson.**
- 7 Q. Did you message with them about what's -- anything that
- 8 was going on at the sheriff's office?
- 9 **A. I don't really recall messaging them on anything, but I**
- 10 **just don't know at this point if I did or not.**
- 11 Q. Do you use Facebook Messenger to exchange messages with
- 12 people?
- 13 **A. Yes, I do.**
- 14 Q. Okay. Did you exchange Facebook messages with people
- 15 about any of the ways you were being mistreated at the
- 16 office?
- 17 **A. I don't understand why my Facebook is coming into play**
- 18 **here, because I -- that's my personal, private account,**
- 19 **and I -- I believe that I have the right to speak to**
- 20 **anybody on Messenger, because it's Messenger, about**
- 21 **anything, and that that should not be able to be put into**
- 22 **the realm of things because it is a private, personal**
- 23 **thing with personal pictures on there of different people**
- 24 **and of my grandchildren through my husband, and so I'm not**
- 25 **sure why I'm being questioned about this.**

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- 1 **that would be a physical injury or not.**
- 2 Q. Since when?
- 3 **A. Probably -- I have struggled with it back and forth since**
- 4 **I left and with the pandemic obviously, so it has been**
- 5 **awhile. I go back and forth and up and down, and now I'm**
- 6 **pretty regularly going up, up, up, so...**
- 7 Q. Anything else?
- 8 **A. As a physical ailment, no.**
- 9 Q. We talked about retirement. When were you planning to
- 10 retire if you hadn't had this stuff happen and you ended
- 11 up, you know, leaving?
- 12 **A. I would have worked at the very minimum until I was 59. I**
- 13 **would have worked until I was 66 if I could. I was that**
- 14 **committed to my job.**
- 15 Q. How is your husband's health right now?
- 16 **A. He just got done doing twenty rounds of radiation about**
- 17 **five months ago after the PSMA special case study where**
- 18 **they found it in his lymph nodes. It did knock the cancer**
- 19 **down, but the cancer is 11.9, and it's a very aggravated,**
- 20 **very fast moving cancer. So the doctors says that it has**
- 21 **knocked it back to a point, I believe, a .061, if I**
- 22 **understood it right, which is excellent, because it was**
- 23 **going up by triple every time he had a PSA test, and so**
- 24 **it's knocked it back, but it's not gone. From my**
- 25 **understanding, that he will never survive cancer, that all**

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1 these things that they have done are to prolong his life.
 2 He will never be a survivor of cancer.
 3 Q. Are you working currently?
 4 A. Yes, I am working currently at America's Best --
 5 Q. What do you do?
 6 A. -- Eyeglasses and Contacts.
 7 Q. I'm sorry?
 8 A. The whole name is Contacts and Eyeglasses, I'm sorry,
 9 America's Best.
 10 Q. What do you do there?
 11 A. I'm a optician.
 12 Q. Do you work full-time?
 13 A. Yes, I do.
 14 Q. So what hours?
 15 A. Anywhere from 8:30 to -- it's nine-hour days, so if it's
 16 10:15, it's 7:15 in the evening, because we close at 7:00,
 17 a lot of 9:15s to 6:15s, usually between the two of those.
 18 I don't really get anything -- they don't get -- give me
 19 anything other than like that. Like some of them come in
 20 at 8:30, but it's usually like the upper staff.
 21 Q. Okay. What do you get paid?
 22 A. \$10 an hour.
 23 Q. Any benefits?
 24 A. No.
 25 Q. Are you still looking for other employment?

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1 A. Yes.
 2 Q. Do I understand if you find an employment with somewhere
 3 that has MERS, you can continue under the MERS system?
 4 A. I am not aware of that, no.
 5 Q. Where do you get your scripts filled?
 6 A. From Hometown Pharmacy in north Muskegon.
 7 Q. Is that the same pharmacy you have used for several years?
 8 A. Well, it was Keith's prior to that, and then Hometown
 9 actually bought them out when they were still Keith's, and
 10 then they moved down, so yes, I would say for several
 11 years.
 12 Q. So from say 2016 to the present it has been what was
 13 Keith's and is now called Hometown?
 14 A. Yes.
 15 Q. Have you gotten prescriptions filled anywhere else?
 16 A. I did one at Target because it was supposed to be a little
 17 less expensive on that app that you can go on. It's
 18 supposed to give you better places where they can give you
 19 the same meds for better deals, but I couldn't use it
 20 because I have a high --
 21 I'm sorry, my nail is bleeding a little bit.
 22 Let me just get a Kleenex.
 23 I am very highly sensitive to medication because
 24 of the material that they put in with the medication, and
 25 so I have to have certain brands, because otherwise they

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1 don't work at all. So for the ones that could be generic,
 2 I have to have a particular one. It has to take few tries
 3 of different stuff to make sure that I can use it.
 4 Q. All right. Let's see. I'm going to try to find a
 5 document now, so let's see.
 6 While I'm looking, let me ask you another
 7 question. Do you feel like you were treated fairly on
 8 your evaluations that were done, your annual evaluations?
 9 A. Throughout the time at the first part of my career, I
 10 don't feel I was by Lieutenant Mangioni (Phonetic), but
 11 other than that, from what I can recall at this point, I
 12 think it was fair, the evaluations were pretty fair.
 13 Q. I totally cannot find a document that I have a copy of.
 14 MS. AMTSBUECHLER: Sharon, I know I sent you
 15 some of these. Do you have what I premarked as Exhibit
 16 23? I don't know why I can't find it now.
 17 VIDEO TECHNICIAN: I just saw a way that I can
 18 actually give you permission to scroll, and I can pull
 19 this up. Let me get back to my screen share. This might
 20 be a good option. Can you see it? Laura, you are on mute
 21 somehow. I'm sorry.
 22 MS. AMTSBUECHLER: Oh, okay. It's small. Can
 23 we make it any bigger?
 24 VIDEO TECHNICIAN: Let me see. Yes. Give me a
 25 second here. Oh, dear. Now I am going backwards. I

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1 guess my idea was worse. I'm not doing this as eloquently
 2 as I thought.
 3 MS. AMTSBUECHLER: All right.
 4 VIDEO TECHNICIAN: Let me just see.
 5 MS. AMTSBUECHLER: This really isn't actually
 6 that important actually, but I have already marked it.
 7 VIDEO TECHNICIAN: I'm so sorry.
 8 MS. AMTSBUECHLER: It's all right.
 9 MARKED FOR IDENTIFICATION:
 10 DEPOSITION EXHIBIT 23
 11 3:17 p.m.
 12 BY MS. AMTSBUECHLER:
 13 Q. Exhibit 23, let me just get it on screen sharing. Okay.
 14 There we go. This is a series of an e-mail, a series of
 15 e-mails, 2017, July, related to keeping the area clean. I
 16 think we talked about this earlier in the deposition. Do
 17 you recall -- and I will stroll it down as you want. Just
 18 tell me when you want me to move it down. You weren't on
 19 this first part. Let me find where you were.
 20 A. Wait.
 21 Q. There we go. Do you recall receiving this?
 22 A. I do recall that, yes. I don't know that I saw it at that
 23 point in time, though.
 24 MARKED FOR IDENTIFICATION:
 25 DEPOSITION EXHIBIT 24

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1 3:18 p.m.
 2 BY MS. AMTSBUECHLER:
 3 Q. All right. Exhibit 24, which is up on the screen, Notice
 4 of Written Reprimand, 11-27-17, do you recall receiving
 5 that?
 6 A. Yes, I believe I did receive that, yes.
 7 Q. Okay. I can scroll down so you can see the whole thing,
 8 page 19-D. Do you need to see it any longer or do you
 9 recall receiving that?
 10 A. Yes, I do recall.
 11 Q. All right. So it's a written reprimand. One of the
 12 things relates to November 17, 2017, an allegation that
 13 you used obscene language in dealing with Chaplain
 14 Peoples. Let's start with that one.
 15 A. Okay.
 16 MR. DREW: Counsel, can we just get the Bates
 17 stamp of that just for the record?
 18 MS. AMTSBUECHLER: Sure, 19-D.
 19 MR. DREW: Thank you.
 20 BY MS. AMTSBUECHLER:
 21 Q. What do you recall happening with Chaplain Peoples that
 22 led up to this?
 23 A. I don't believe it was on the 17th. I thought it was on
 24 the 14th, only because it was my mother's birthday, and I
 25 was leaving early.

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1 going to be a few minutes, actually, I said, because I'm
 2 the only one up here, so I said I will get you as soon as
 3 we can. And then I went off that, and I was trying to get
 4 the people out of the class, and you have to be careful
 5 because there may be people going into the other class
 6 that's trying to come in, the class that's trying to come
 7 out, or if you let them both at the same time, they could
 8 be on me, they could be involved in gangs that don't like
 9 each other.
 10 I'm sorry, I was looking at the phone.
 11 So it's very -- it's a very -- it was a very
 12 high stress situation with that, and so I was trying to do
 13 my best to clear everything and get everybody out and get
 14 the probation agents out and the people that they were
 15 seeing back to their pod without having any incidents
 16 between inmates that may be commingling.
 17 So then I did let him through. I didn't say
 18 anything. I just clicked the door for him and got him
 19 into the next door, and I said, okay, it's going to be a
 20 minute. I have almost got everything situated, just hang
 21 on. And so he hit the button again, and I was still
 22 trying to move people in and out. People were trying to
 23 go in somebody else's room, so I was trying to get them
 24 situated and tell them to get in their own room and lock
 25 down. And he hit the buzzer again, and then he knocked on

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1 Q. Okay. What do you recall happening?
 2 A. There was a fight on another floor. The deputy I was
 3 working with left the floor to assist. It was very busy
 4 at that time. They had two classes in. One was trying to
 5 go out. I had two, I think they were probation officers
 6 seeing different people in their little rooms that they
 7 have on there, and I had to get the people from the
 8 visits, at the prior visits that were done with their
 9 visits back into their rooms and locked down if they were
 10 down at that time for whatever reason, and had to get the
 11 next set of visitors out for their visits.
 12 And the chaplain hit the buzzer, the second
 13 buzzer way down by the elevator of the floor, and he
 14 says -- (inaudible) -- book cart. You are going to have
 15 to wait a minute, Chaplain (inaudible) -- there is a lot
 16 of stuff going on. I will get to you when I can.
 17 THE REPORTER: I'm sorry. You have to -- could
 18 you hear me? Could you just please repeat? You were
 19 talking too fast. I couldn't make it out. I'm sorry.
 20 THE WITNESS: Oh, I'm sorry.
 21 THE REPORTER: It was right after the buzzer by
 22 the elevator floor, and he says.
 23 A. Yes. And he said I have the book cart here, and I said,
 24 yes, I see Chaplain Peoples. I said it's going to be a
 25 minute. I have a lot of things going on up here, and it's

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1 the glass, and I was on the -- on the -- it's just a --
 2 it's a voice box, him to me, and I said, Chaplain, will
 3 you please stop? I said you make me feel like a caged dog
 4 -- I'm sorry, a fucking caged dog that you keep kicking --
 5 similar to this, that you keep kicking because you want me
 6 to do something. I can only go as fast as I can go.
 7 Q. Okay. And then after that you were called in, and you had
 8 a meeting with the undersheriff about this?
 9 A. No. After that happened I apologized because he said --
 10 young lady, I don't talk that way, and I said I know you
 11 don't. I normally don't either. I profusely apologize,
 12 sir, it's just that you keep hitting, knocking, buzzing,
 13 and I said I know you are there, and he said, well, I'm
 14 sorry, too, he said, because I know that I get that way
 15 because some of the other officers act like I'm not there,
 16 so I apologize as well, and I said, well, apologize
 17 profusely because that's not normally me. I normally
 18 don't say things like that, I said, so will you please
 19 accept my apology? And he said, yes, if you will accept
 20 mine, and I said, I do, sir. I said let me get you
 21 through, just give me just a second.
 22 And then my sergeant came up on the floor, which
 23 is Sergeant Burton. I told her of the situation. I said,
 24 look it, I apologized to him. It just was a mess up here,
 25 and I'm sorry, and I wanted you to know. And she said:

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1 Well, I'm going to talk to him when he comes down, because
2 you're not the first officer that says he beats on the
3 windows, he wraps with his keys, he hits the buzzer
4 multiple times. And I said, well, we have agreed that we
5 had accepted apologies.

6 Q. I'm going to stop you now, because again I think we are
7 going way beyond, so --

8 A. I'm sorry.

9 Q. Did you talk to anybody in command before you were issued
10 the written reprimand for this? Did you have a Loudermill
11 hearing?

12 A. I don't recall.

13 Q. Did you feel like a written reprimand was not justified
14 for this?

15 A. Yes, I didn't feel it was justified because we had
16 apologized to each other.

17 Q. The other written reprimand was for an event on November
18 19, 2017, regarding you being distracted by your cellphone
19 relating to inattention to duty. I believe this had to do
20 with a situation where you said your phone, you couldn't
21 turn it off, it was a new phone or something like that.
22 Do you recall that incident?

23 A. Yes, it was my phone. I don't know if it hit something in
24 my pocket, because I carry a couple of different things in
25 my pockets and stuff or what, but it had this like screen

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1 going, and it was muted. I couldn't get it to shut off.
2 I couldn't get it to do anything.

3 Q. You asked -- did you ask one of the inmates for assistance
4 in turning it off?

5 A. No. He tried to -- he said: Let me see it, Ms. J, and
6 see if I can fix it. And I said: No, no, no, no. Just
7 let me try and get this fixed. And I was trying to have
8 it to where -- they obviously could hear it, but I was
9 trying to have it like out of view and hit buttons and
10 turn it off on each side, and it was a mess. I ended up
11 having to go over and get it rebooted.

12 Q. Was it playing music at that time?

13 A. Yeah, it was really loud -- I don't even know what kind of
14 music it was, but it was really loud, very inappropriate,
15 I thought, and I couldn't figure out how to get it to
16 stop.

17 Q. Did you feel that a written reprimand was not justified
18 for this?

19 A. I do feel that it wasn't justified.

20 Q. Why?

21 A. It was something out of my control. I had to address it.
22 I thought maybe I could get the phone to shut off, turn
23 off, or mute or something, and I said he could understand
24 that, but that he still felt that this was necessary.

25 Q. Who is he?

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1 A. The undersheriff.

2 Q. Did you file a grievance over either of these?

3 A. No. I was told not to by Deputy Riddle.

4 Q. Did Deputy Riddle say why you should not file a grievance?

5 A. Not really. He just said: I don't feel it could go
6 anywhere, Lori. You know, I said: Well...

7 Q. Do you recall an incident on -- on or around -- let me put
8 it this way, in early December of '17, where you and your
9 husband ran into the sheriff and the undersheriff in the
10 lobby?

11 A. Yes.

12 Q. What happened with that?

13 A. I had been given an e-mail back and forth. They kept
14 cancelling the time because of different things, their
15 meetings, John Jenkins, who was one of the union reps at
16 that time, had to take his daughter to therapy, so this
17 has been quite awhile of ongoing back and forth. And I
18 got an e-mail, and it said we are going to do it 10:00 on
19 Monday, and apparently the undersheriff had sent that to
20 everybody, like he always had, but ten minutes after I
21 read that, he had sent an e-mail just to me stating that
22 the time was changed to 8:30, which I didn't view because
23 I didn't have time to go back to my e-mails. Normally we
24 read them right away in the morning, and if we get a
25 chance to check, we can, but I just hadn't had a chance,

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1 and so I --

2 Q. What meeting was this?

3 A. It was supposed to be a meeting on the inattentive to
4 inmates and the situation with the chaplain.

5 Q. All right. So this related to that discipline we just
6 looked at, it was a meeting for that?

7 A. It was.

8 Q. So maybe my date in December was incorrect. It may have
9 been November, but in any event, you had this happen, the
10 meeting got changed. Then what happened?

11 A. Well, John Jenkins, the union rep said -- I talked to Nate
12 the night before. He said, yep, you are on for 10:00. He
13 checked his thing. He was the union rep also. So John
14 said: Just give me a text when you get here. I will be
15 working, and I will come up. So I got there about ten to
16 10:00, and waited until about seven minutes to, and I
17 talked to him, and I said: John, I'm up here. Where are
18 you? And he goes: Where are you? And I said: I'm on
19 the sixth floor. So he said: I will be up in just a
20 minute. He came up, and he said: You missed the meeting.
21 And I said: No, I didn't. It was for 10:00. And he
22 goes: They told me it was for 8:30. And go: I didn't
23 get anything that said that there was a change. The last
24 thing I got was from the undersheriff at like 8:10 stating
25 that it was going to be at 10:00. And I said: And

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1 everybody was involved. And he goes: I don't know. I
 2 don't know what's going on. And I said: Well -- I said:
 3 This is crazy, John. I said: Am I going to get in
 4 trouble for this now, too? And he said: Yeah, probably.
 5 You will probably get a failed to comply with a direct
 6 order. And I said: But it wasn't a direct order for that
 7 time. It was for 10:00. And he said: Well, we will have
 8 to figure it out, Lori. Don't worry about it. I will be
 9 in touch.

10 And we went down the elevator, and it opened up,
 11 and I saying thank you to John and looking at him this
 12 way, and I heard my husband say, hey, Mike, and I knew
 13 that when he said, hey, Mike, he was talking to the
 14 sheriff, so I turned around. And John said: I'm going to
 15 get out of here. And he went the other way.

16 Q. And then what happened?

17 A. My husband asked him why they were playing a game, that we
 18 were there for the meeting, and then the sheriff said:
 19 No, you weren't. We changed it. She should have read her
 20 e-mail. And he said: No, no, no. He said: This isn't
 21 right. He said: This isn't right, what you are doing to
 22 her. He basically told them that they have allowed a
 23 predator to roam the halls of the Hall of Justice doing
 24 what he did to me, to probably other women, and the
 25 sheriff said that he didn't have anything to do with that.

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1 said -- the undersheriff said: Lori, don't do -- don't do
 2 those motions, don't do those motions. So I stopped, you
 3 know.

4 Q. Isn't it true you were grabbing your crotch, and to show
 5 that, while you were down there in the lobby?

6 A. I wasn't grabbing it. I said I put my hand between here,
 7 and it wasn't like I was grabbing it. I just put it in
 8 between my thighs. I said -- I actually put my hand in
 9 between my thighs so I could block his fingers because he
 10 was trying to dig them off me.

11 Q. During that -- during that issue, that meeting, that
 12 whatever, that event in the lobby, isn't it accurate to
 13 state that you were talking loudly, if not yelling, and
 14 that you had your hands down by your crotch?

15 A. I can't hear. I'm sorry, I can't hear you. You are going
 16 in and out.

17 Q. Wouldn't it be accurate to state that you were -- had your
 18 hand down by your crotch during this meeting in the lobby
 19 and that you were rubbing around on your hand and moving
 20 it around and saying things about it?

21 A. No, that's not correct.

22 Q. Were you upset during that part of the meeting, when you
 23 were talking about that?

24 A. Not really. I was actually talking quite quietly to them
 25 saying, you know, look, this is what he was trying to do.

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1 He didn't know about it. And he said: Well, now you know
 2 about it. And he went into a conversation, and they shook
 3 hands, and said that it was just going to be considered a
 4 miscommunication in times and that I would not be getting
 5 a violation of a direct order, and then we left.

6 Q. Was anybody -- were you and your husband, you and/or your
 7 husband upset during this?

8 A. Not really upset, but just not -- we couldn't figure out
 9 what was going on, because they were saying that no, it
 10 was for this time, and I'm like, no, I even checked with
 11 Nate.

12 Q. Okay. But during the time you were down in the lobby
 13 talking to the sheriff and the undersheriff, was your
 14 husband raising his voice? Was he yelling?

15 A. No, he wasn't yelling. He was using a stern voice, but he
 16 wasn't yelling.

17 Q. Were you yelling?

18 A. No, I wasn't yelling at all.

19 Q. Were you or your husband using vulgarities?

20 A. I don't recall any. I was -- when my husband said about
 21 how he was trying to -- stuck his hand down my pants and
 22 tried to stick his fingers up me, I don't know if that's
 23 considered vulgar language, but he was just saying the
 24 truth, and I said -- I made a motion, that I put my hand
 25 in my crotch begging him not to do this, and the sheriff

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1 He was trying to dig his fingers up me, and thank God I
 2 could get my hand up there to block it and squeeze my
 3 thighs together so that he did not penetrate me.

4 Q. Were there other people in the lobby -- were other people
 5 in the lobby during this discussion?

6 A. Yes, there were people going in and out and in and out of
 7 courtrooms and paying bills and so forth, so it was a
 8 regular day down there.

9 Q. Why was this brought up then?

10 A. My husband had brought it up. He said: You know, why
 11 haven't you done anything about this? You saw her in the
 12 bank when they put you on third shift, and you said both
 13 of you were going to be okay, and now you are allowing
 14 this -- this guy to stay a sergeant, who did this to my
 15 wife? You know, why wasn't anything done? Why weren't
 16 charges sought? Why was there no investigation?

17 And so that's how that got brought up, was
 18 through that. You know, why are you playing this game
 19 with these little itty-bitty things over here where there
 20 is big things that you really need to take care of.

21 Q. Why was your husband there that day?

22 A. He had asked if he could come along and just sit in the
 23 lobby to make sure I was okay when I came out, and I said
 24 I don't mind if you just sit there, you know, and come out
 25 with me. That would be fine.

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1 Q. Okay. So do you recall then having a meeting on December
2 7, 2017 to discuss your mental state before they sent you
3 for a fitness for duty?

4 A. I don't know. I believe it was the 7th or 8th of
5 December, one of the two. They had reprimanded me for
6 the -- they called it an emotional outburst, and then I
7 was working Master Control that day, and I was coming out
8 of the bathroom of Master Control, and then I heard the
9 sheriff say: Lori, can I talk to you a minute out here?
10 And I kind of looked one way, and then I looked the other
11 way and I go: Oh, sure. Just a second. And I just
12 bunched up my shirt, and -- as I was walking to him, and I
13 go: Yeah, that's no problem. And then he got me outside
14 there, and then he said: Well, let's go into the
15 sergeants's office. So we went to the sergeants's office,
16 which is just a few feet away, and my sergeant, Teresa
17 Jones-Burton, she looked at me like a deer in the
18 headlights, and he's like: Is it okay if we move your
19 purse, Theresa, and shut the door? And she was: Like
20 yeah, whatever you want to do. And she is standing up and
21 looking to the left, and the undersheriff was in the
22 corner of the room, and that's not a very big room. And
23 he goes: We just want to talk to you because we had
24 another deputy come up concerned about you and your mental
25 health. You had another emotional outburst. And I said:

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1 I never had an emotional outburst, sir. I had a stern
2 talking to the chaplain, but it was not an outburst. I
3 said: There were things going on. It was busy, and
4 things were said, and we both agreed to accept the
5 apologies of each other. And I said: So who came up?
6 What did I supposedly say? Where did I supposedly have
7 this emotional outburst? Because I said: If I was going
8 to have an emotional outburst, probably the entire first
9 floor would know it. I said: So I don't understand this.
10 And they said -- Mike said: We would rather not say, just
11 like that. And I said: Okay.

12 So then the undersheriff unfolded this paper and
13 said: We would like you to go see Joe Auffrey for a
14 psychological evaluation. And I said: Well, I already
15 see a psychologist once a week, ever since I was sexually
16 assaulted, so why can't I just continue to go to her. If
17 you would like her records, I can sign a release. He
18 goes: No, no. We want you to go to our guy, and we want
19 you to leave now. And we were short staffed, so I said:
20 Can I just work through the day? No, no. We are going to
21 put you on administrative leave, and you are going to
22 leave, and then you are going to have this appointment
23 with Joe Auffrey, and then we will be back in touch with
24 you.

25 Q. So is it your testimony that they didn't tell you what the

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1 outburst was?

2 A. No, they didn't tell me.

3 Q. Do you recall discussing --

4 A. They would rather not say.

5 Q. Okay. Do you recall discussing an outburst where you were
6 frustrated trying to do some training, a training
7 certificate, and there was too much noise?

8 A. There wasn't too much noise. It kept freezing, and I
9 couldn't -- and it would time out, but I wasn't having an
10 emotional outburst about it. I just said: I'm so tired
11 of this. I have done this so many times. I know the
12 answers without even looking at them. It was not an
13 emotional outburst.

14 Q. Who was around when you were doing that training
15 certificate?

16 A. Scott Smith. I'm not really sure. It seems like somebody
17 else had come up for a few minutes, because at that point
18 we were doing the new -- they made it so that we could see
19 our overtime. Instead of posting it, they did it online,
20 and we had to hook it up to our phones through Google and
21 make an account for it, and I can't recall who was up
22 there, but they were helping Scott on this phone.

23 Q. Wasn't this discussed with the undersheriff that you were
24 talking to before you were sent for the fit for duty,
25 wasn't that incident discussed?

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1 A. No. That was when they gave me the outcome of what Dr.
2 Auffrey had said about me. It was in that meeting that
3 that was brought up. It was brought up by me. So, you
4 know, I still don't know why this is happening. What did
5 I say and what did I do, and who -- who said I said it?
6 And they never did tell me. They just said this is what
7 Dr. Auffrey finds, and so we are going to do this. We
8 have already done that.

9 MARKED FOR IDENTIFICATION:
10 DEPOSITION EXHIBIT 25
11 3:41 p.m.

12 BY MS. AMTSBUECHLER:

13 Q. All right. I'm putting on the screen the first report
14 from Dr. Auffrey, December 12, 2017. Exhibit 25, Bates
15 stamp 646-D through 648-D. Have you ever seen that
16 report?

17 A. They handed it to me at the meeting where they said that
18 they were taking me off for being mentally unfit, and that
19 I had to go see a psychiatrist because Dr. Auffrey had
20 stated in that letter that he thought I was having tirades
21 because I was on too much medication, too many
22 barbiturates, I believe he said.

23 Q. So you have seen it?

24 A. I have seen it, yeah. I didn't read it right at that
25 point because they were already saying what they had --

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1 **what they were going to do.**
 2 MARKED FOR IDENTIFICATION:
 3 DEPOSITION EXHIBIT 26
 4 3:42 p.m.
 5 BY MS. AMTSBUECHLER:
 6 Q. I'm putting up on the screen records from Dr. Beyer,
 7 B-E-Y-E-R, which I'm marking as Exhibit 26. Do you recall
 8 then going to Dr. Beyer after the fitness for duty?
 9 **A. Yes.**
 10 Q. And let's go to pages -- starting at page 14, and these
 11 were Bates stamped by the doctor's office when they
 12 produced them. There is a page mental health history. Is
 13 that your writing on there?
 14 **A. Yes, that is.**
 15 Q. And you list Amy Bergman or Borgman?
 16 **A. Borgman, yes.**
 17 Q. You said -- this is the one you say that you started
 18 seeing after you were sexually assaulted?
 19 **A. Yes, but she was an ex to the prosecutor, and she didn't**
 20 **seem very interested in --**
 21 Q. Okay. Wait a minute, wait a minute. See, here you are
 22 again, you are going way beyond my question.
 23 **A. Sorry.**
 24 Q. And I really want to get through this if we can today.
 25 Okay. So you saw Borgman for five-and-a-half

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1 years?
 2 **A. From what I recall approximately, yes.**
 3 Q. Where was her office?
 4 **A. It was on Henry, the corner of Henry and Seminole --**
 5 Q. What city?
 6 **A. -- and it was upstairs. In Muskegon, it's located in**
 7 **Norton Shores.**
 8 Q. How is it that you stopped going to see her, what happened
 9 that you stopped going to see her?
 10 **A. She moved. She stopped doing what she was doing, and she**
 11 **moved up, I want to say to Traverse City or Pentwater**
 12 **somewhere.**
 13 MS. AMTSBUECHLER: Okay. We've asked -- we are
 14 trying to order her records, so you should have an
 15 authorization, Mr. Drew, to get signed by your client
 16 perhaps while she is there so we can get those.
 17 BY MS. AMTSBUECHLER:
 18 Q. Okay. That's the first page, and then the second page of
 19 this is a medical summary. Did you fill out that?
 20 **A. For who?**
 21 Q. Is this your handwriting? This is Dr. Beyer's --
 22 **A. It is my handwriting. I just don't know what -- why --**
 23 **where I was writing this, for who.**
 24 Q. This is all part of the Dr. Beyer's records. Is this your
 25 handwriting on the next page?

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1 **A. Yes, it is, yes.**
 2 Q. And is this your handwriting on the next page?
 3 **A. Yes.**
 4 Q. Okay. Is this your -- did you check these boxes here
 5 about symptoms?
 6 **A. Yes.**
 7 Q. Oops, I just lost it.
 8 **A. I can't see it.**
 9 Q. I lost it. I know. I lost it because I was trying to get
 10 rid of some stuff on the screen.
 11 **A. Okay.**
 12 Q. So do you recall going to see Dr. Beyer?
 13 **A. Yes, I do. I had to. They were asking me to.**
 14 Q. All right. Good.
 15 VIDEO TECHNICIAN: That answer, for the video,
 16 it didn't make sense.
 17 BY MS. AMTSBUECHLER:
 18 Q. Okay. Go ahead. You recall going to see Dr. Beyer?
 19 **A. I was told at the meeting where I was taken off, I was**
 20 **mentally unfit, that I had to seek out a psychiatrist to**
 21 **check my medication to make sure that it was proper and**
 22 **that I was not getting too much or too little of it.**
 23 Q. Okay. Again, my question was only if you recall this. Do
 24 you recall going to see him?
 25 **A. Oh, yes, yes. I am sorry.**

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1 Q. All right. So his notes are kind of difficult to read,
 2 but what I have deciphered from them is it looks like you
 3 told him, and I'm looking at the first line, about
 4 two-thirds of the way over. Can you see my little arrow?
 5 I will highlight this right here. It says dual officer
 6 certified for road in correction unit. Did you tell him
 7 that?
 8 **A. When I first hired in, that's what we were told when we**
 9 **were sworn in, and then it changed some years after. So**
 10 **originally, yes, that's what we were sworn in as.**
 11 Q. Did you tell him that you just wanted to work five more
 12 years to get to 25 years?
 13 **A. I said if I had to do it, just how I could retire out,**
 14 **that I would like to, because of the stress at that point**
 15 **of what they had been putting me through.**
 16 Q. Did you tell him that you feel that they wanted to get rid
 17 of you before you could retire?
 18 **A. I don't recall, but I -- I may have. It was a**
 19 **conversation. It was a lengthy conversation.**
 20 Q. Do you recall him asking why, and you saying the
 21 department has, it looks like there is a monetary number
 22 here, 378,000 something, down at the next line? I'm
 23 trying to highlight it, but I can't. Underneath it says
 24 husband has cancer, and then it says why, and then it says
 25 department, and there is \$378,000, 400,000. Did you have

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1 a discussion about the cost to the county of your
2 retirement?
3 **A. No. I don't understand what he is saying there on the**
4 **300,000, 400,000, whatever.**
5 Q. Down below it talks about you said you had PTSD from 2009
6 through 2014. Who diagnosed that?
7 **A. Dr. Pierce did.**
8 Q. And Dr. Pierce, I understand, you say is now deceased,
9 right?
10 **A. He is deceased, yes.**
11 Q. Where was his office?
12 **A. On Third Street in Fruitport, Michigan.**
13 Q. And was he in a practice with anybody else?
14 **A. I think towards the end he had a PA, but basically I had**
15 **never seen anybody but him or his nurse, Pat.**
16 Q. Is the practice still there?
17 **A. No. I mean it has been -- it was sold, the lot was sold,**
18 **and it was sold to Dr. -- I can't think of her name, a**
19 **female doctor anyway. The last time I knew, that's what's**
20 **there. I don't know.**
21 Q. Did you ever go see the other doctor?
22 **A. Dr. -- I think it was Dr. Parrett or Parrier (Phonetic).**
23 **I think I saw her a couple of times, because I was looking**
24 **for another doctor.**
25 Q. And can you spell her name?

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1 **A. -- possibly that runs --**
2 Q. All right. So this also says, you talk about sexually
3 assaulted by a sergeant, went to authorities. It says
4 state police. Did you go to the state police?
5 **A. The state police came and took my statement, along with**
6 **some questions they were asking me about another deputy,**
7 **and just nothing ever happened. I --**
8 Q. Okay. Where were you when the state police came and took
9 your statement?
10 **A. In the old part of the jail in one of the conference rooms**
11 **right off of the command --**
12 Q. What did you think --
13 **A. I'm sorry.**
14 Q. What did you -- what were they investigating?
15 **A. Another deputy that they, I guess they suspected of**
16 **abusing the females, the inmates, I guess, and had I ever**
17 **noticed him being real touchy-feely and stuff like that,**
18 **and I said: No, but I will tell you who has, and I would**
19 **like to make a statement.**
20 Q. Okay. Did you make a statement to them then about what
21 you had experienced?
22 **A. Yes.**
23 Q. Did you have some belief that they were going to pursue
24 that as a criminal manner?
25 **A. I thought maybe somebody would. It was --**

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1 **A. I don't recall really what it was, because it's -- I know**
2 **it started with a P, Parrier or Parrett, something to that**
3 **effect. I would have to look it up.**
4 Q. Can you look her up, please, and provide your attorney
5 with that information?
6 **A. Yes.**
7 Q. Okay. When was it that Dr. Pierce died?
8 **A. I don't recall. I'm sorry.**
9 Q. Okay. It says in here that you said you had trouble
10 sleeping, and you were getting a sleep study. Did you get
11 that done?
12 **A. Yes, I did.**
13 Q. Where did you get that done?
14 **A. It was at General Hospital at their sleep study. They**
15 **wanted to see -- that was Dr. Powell that, I believe, did**
16 **that, my doctor, to see if I had apathy [sic], sleep**
17 **apathy.**
18 Q. Sleep apnea?
19 **A. Yes.**
20 Q. What did you find out? Do you have it?
21 **A. No, I don't.**
22 Q. Okay. General Hospital, is that in Muskegon?
23 **A. Yes, it is. It's -- you can see it from the highway. I**
24 **want to say it's Oak Street --**
25 Q. Okay.

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1 Q. Did they ever follow up with you?
2 **A. -- you know, it was a criminal offense.**
3 **No.**
4 Q. Who was the sheriff at that time?
5 **A. Sheriff Roesler, I believe.**
6 Q. For the court reporter, I think that's R-O-E-S-S-L-E-R.
7 Is that right?
8 **A. I think it's just one S, R-O-E-S-L-E-R.**
9 Q. Did you talk to the state police more than once about your
10 situation?
11 **A. No.**
12 Q. Do you remember the name of the state police officer who
13 you talked to?
14 **A. No, I don't.**
15 Q. When were you diagnosed with ADHD?
16 **A. With Dr. Pierce, along with the PTSD, and then he said**
17 **that that's probably why I got the onset of adult ADHD,**
18 **and then he passed away, so then I needed to be**
19 **reevaluated. Dr. Powell wanted a reevaluation, so that's**
20 **when I saw Diane Strang originally was to get her**
21 **professional opinion on if I did suffer from posttraumatic**
22 **stress disorder.**
23 Q. Okay. Some of these other notes regarding Dr. Beyer's
24 notes regarding his meeting with you on January 29, 2018,
25 it looks like in here -- where did I see that? It says

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<p>1 here not fought for her because she doesn't -- I can't</p> <p>2 read what it says -- maybe not fit in, or the debauchery,</p> <p>3 brought up something about other employees, something her</p> <p>4 for being a Christian, quote, "God bless," end quote.</p> <p>5 Did you talk with Beyer about you being a</p> <p>6 Christian and not liking the debauchery of other</p> <p>7 employees?</p> <p>8 A. I spoke with him about being a Christian and that they</p> <p>9 would kind of make fun of me by going God bless, God</p> <p>10 bless, and I felt as though --</p> <p>11 Q. Who made -- go ahead.</p> <p>12 A. I just felt as though that was very -- made me</p> <p>13 uncomfortable, because I felt like I was being attacked</p> <p>14 because of my religion.</p> <p>15 Q. Who did that?</p> <p>16 A. Several officers.</p> <p>17 Q. Names, please?</p> <p>18 A. Deputy Lynn, Deputy Herman, Deputy Stephenson, Deputy</p> <p>19 Thielbar, that's all that come to mind.</p> <p>20 Q. Okay. I have a note, kind of digressing here for a</p> <p>21 minute, but do you recall an incident where you were at a</p> <p>22 union meeting and you were talking to a deputy, I think</p> <p>23 Carrie was her first name. Ryan Boike was there with his</p> <p>24 son in the hallway, and you were talking with the other</p> <p>25 deputy accusing her to getting to her position by giving</p>	<p>1 oral sex, making graphic statements about that; do you</p> <p>2 recall that?</p> <p>3 A. No, I don't recall saying that at all.</p> <p>4 Q. What do you recall saying?</p> <p>5 A. I recall telling Deputy Longmire that we all know how she</p> <p>6 got there, because she wasn't certified to be a deputy.</p> <p>7 She worked in the courts, I believe district courts, and</p> <p>8 they were going to fire her, so they allowed her to do a</p> <p>9 lateral move, they did that, and sent her to school later.</p> <p>10 Q. Do you recall saying anything to her about oral sex?</p> <p>11 A. No.</p> <p>12 Q. Do you recall what I am talking about, that meeting?</p> <p>13 A. Yeah, I recall the meeting, yes.</p> <p>14 Q. You deny -- you would deny it if Ryan said that you had</p> <p>15 made statements about oral sex accusing this deputy of</p> <p>16 getting there by giving oral sex?</p> <p>17 A. Yeah, I don't recall saying that. I don't recall it, so I</p> <p>18 guess I can't speak on that, of saying anything like that.</p> <p>19 I don't recall Deputy Boike being out there with</p> <p>20 a child. Normally -- normally children didn't go, but</p> <p>21 there was several children there that day, and I'm not</p> <p>22 sure why it was allowed.</p> <p>23 Q. Well, maybe I have the wrong person, but there was a</p> <p>24 14-year-old child in the hallway who overheard this. You</p> <p>25 recall seeing children?</p>
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<p>1 A. No.</p> <p>2 Q. You just said you did?</p> <p>3 A. I don't recall.</p> <p>4 Q. I thought you just said --</p> <p>5 A. I saw them in the meeting, because they had them in the</p> <p>6 meeting, but I don't recall seeing anybody in the hallway</p> <p>7 that was a child. I don't recall.</p> <p>8 Q. Okay. I put on the screen -- can you see that? Can you</p> <p>9 see the screen? Can you see that?</p> <p>10 A. I don't see anything, no.</p> <p>11 MARKED FOR IDENTIFICATION:</p> <p>12 DEPOSITION EXHIBIT 27</p> <p>13 3:59 p.m.</p> <p>14 BY MS. AMTSBUECHLER:</p> <p>15 Q. Okay. Sorry. Then it must be off. All right. Exhibit</p> <p>16 27, Bates stamp page 162-D, December 18, 2017, a note to</p> <p>17 you about Dr. Auffrey's report. Do you recall receiving</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. And this probably was before you went to see Beyer, now</p> <p>21 that I'm reading it, right?</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. All right. And did you go back to Auffrey a second time?</p> <p>24 A. Yes. They made me go back after I had brought all my</p> <p>25 stuff in from my doctors, from the psychiatrists, and so</p>	<p>1 forth. He said: Well, I can't bring you back until we</p> <p>2 get a clearance from Dr. Auffrey.</p> <p>3 MARKED FOR IDENTIFICATION:</p> <p>4 DEPOSITION EXHIBIT 28</p> <p>5 4:00 p.m.</p> <p>6 BY MS. AMTSBUECHLER:</p> <p>7 Q. And I put up on the screen Exhibit 28, February 13, 2018</p> <p>8 report of Auffrey, Bates stamp 157, 158. Do you recall</p> <p>9 receiving a copy of this?</p> <p>10 A. It was a whole letter. They kind of read it to me. I did</p> <p>11 get a copy of it, though. I did give a copy of it to Dr.</p> <p>12 Beyer. I'm pretty sure I gave it to Dr. Beyer and Dr.</p> <p>13 Powell, I believe, a copy.</p> <p>14 Q. So you were allowed to return to work after that, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And during the time you were off during this fitness for</p> <p>17 duty examination time period, you were paid, right?</p> <p>18 A. I was put on the 480 hours of the --</p> <p>19 I hear sirens in the background. It's just</p> <p>20 distracting me.</p> <p>21 Q. Were you on paid administrative leave?</p> <p>22 A. No, I wasn't. I was until they got this, and then they</p> <p>23 used my time, which ran concurrently together with the</p> <p>24 Family Leave Act, so there was 480 hours of Leave Act, but</p> <p>25 it also took off every sick day that I had, and then once</p>

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1 it got through all my sick days, then it started with my
 2 vacation time. And so I was being paid, but it -- I was
 3 being paid because I had the time that they -- that they
 4 hadn't paid me because I had the time to use.
 5 Q. Do you know how much of that sick and vacation time was
 6 used?
 7 A. All of my sick time, I believe, and part of my -- part of
 8 my vacation time. I can't recall how much of the
 9 vacation. I know that they ran through my sick time, and
 10 the FMLA ran concurrently with it --
 11 Q. I'm just asking if you know how much this time was.
 12 A. Pardon me?
 13 Q. Do you know how much time it was, how many days?
 14 A. How many days of vacation I had?
 15 Q. Okay. Never mind.
 16 So are you claiming that this fitness for duty,
 17 being sent for the fitness for duty was harassment or
 18 retaliation or discrimination by anybody?
 19 A. Yes.
 20 Q. All right. Who do you believe was harassing or
 21 discriminating or retaliating against you by doing this?
 22 A. The sheriff and the undersheriff.
 23 Q. Why do you believe the sheriff would want to harass or
 24 discriminate or retaliate?
 25 A. Because I had testified in the ACLU case, and it didn't

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1 come out favorably for them, and so there were things that
 2 happened, one after another, that I believe that they
 3 were -- they were going to punish me for telling the truth
 4 and costing the county money.
 5 Q. For the reasons we talked about this morning?
 6 A. Pardon me?
 7 Q. For the reasons we talked about this morning? I don't
 8 want to rehash all that.
 9 A. Yes, yes, ma'am.
 10 Q. Okay. Do you believe anybody else was harassing or
 11 retaliating against you by sending you for the fitness for
 12 duty exam?
 13 A. I don't really know. They could have been -- the captain
 14 could have been in on it, I'm not sure, but to my
 15 knowledge, it was just those two that were bringing this
 16 whole situation about. There wasn't other people in the
 17 room those times.
 18 Q. What captain are you talking about?
 19 A. Well, there was Captain Christianson for a while, and then
 20 he retired out, and then there was Captain Brown. They
 21 elevated him to a -- Captain Brown.
 22 Q. Were you aware of the relationship between Sheriff Poulin
 23 and the previous sheriff who he ran against, Roesler?
 24 A. I don't understand what you mean by relationship.
 25 Q. Do you know if they got along, if they were --

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1 A. I don't -- I don't think they got along too well, no.
 2 Q. Bear with me.
 3 MR. DREW: If this is a good time, I need a
 4 restroom break.
 5 MS. AMTSBUECHLER: That's fine. Yeah, that's
 6 fine. Let's do that.
 7 MR. DREW: Okay.
 8 VIDEO TECHNICIAN: Off the record, 4:06 p.m.
 9 (Recess taken at 4:06 p.m.)
 10 (Back on the record at 4:15 p.m.)
 11 VIDEO TECHNICIAN: We are back on the record,
 12 4:15 p.m.
 13 MARKED FOR IDENTIFICATION:
 14 DEPOSITION EXHIBIT 29
 15 4:15 p.m.
 16 BY MS. AMTSBUECHLER:
 17 Q. I have put up on the screen a June 19, 2009 document that
 18 I have marked as Exhibit 29. It's from, I think the Bates
 19 stamp documents provided through plaintiff's counsel,
 20 starting at page 266 through -- it's a long one -- 277.
 21 Okay? So this is back from 2009, so put your brain back
 22 there, if you can go back that far. It looks like there
 23 was a meeting that you had with Lieutenant Burns on June
 24 19, 2009. Do you recall that?
 25 A. I don't recall it specifically at this point, but...

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1 Q. Okay. Do you recall talking to Lieutenant Burns in 2009
 2 about an issue related to you and Heidi?
 3 A. I believe she was one of the workers for Canteen or the
 4 service that does the food. I faintly remember talking to
 5 him about it. I --
 6 Q. Do you recall that there was an investigation into
 7 statements that you made about Heidi?
 8 A. No, I was not aware if there was an investigation. I
 9 think we had a talk, but I didn't feel like it was an
 10 investigation.
 11 Q. We meaning you and who?
 12 A. I think Mark and I had a -- I'm not sure. I can't recall.
 13 This is all...
 14 Q. All what?
 15 A. Unfamiliar. I'm trying to really kind of get a grasp on
 16 it as you are scrolling.
 17 Q. I'm just asking you what you remember right now. I am not
 18 asking you to read this. I'm trying to find sections.
 19 A. Oh.
 20 Q. What do you remember about the situation with you and
 21 Heidi in 2009?
 22 A. I don't really recall. I know there was some type of
 23 situation, but I don't recall what it was.
 24 Q. Do you recall Heidi reporting that she had been advised by
 25 trustees that you and Jessica, and possibly Deputy Lewis,

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1 were talking bad about her in front of them?

2 **A. I recall something about a problem where she thought that**

3 **some of us were talking about her. I don't really recall**

4 **it that well, though.**

5 Q. Do you recall that Sergeant Gilchrist was assigned to

6 investigate this?

7 **A. Yeah. I know at that time that that were some of the**

8 **investigations he was trying to bring up on me, yes.**

9 Q. My question is do you recall him being assigned to

10 investigate this?

11 **A. I know he ended up being the one that handled it, yes, I**

12 **do.**

13 Q. Do you recall Lieutenant Burns telling you -- see, he is

14 noted here, I have got it right here, this section I'm

15 pointing to right here. Do you see that?

16 **A. Uh-huh.**

17 Q. He notes he told Deputy Johnson that the complaint was

18 founded based on witness statements, and that he asked you

19 to help by making sure that hurtful statements stop. Do

20 you recall that discussion with him?

21 **A. With Lieutenant Burns?**

22 Q. Yes.

23 **A. I don't recall exactly, no.**

24 Q. And then he says he had a frank discussion including

25 examples of Lori, quote "going off" on other staff in the

Page 226

1 past, Lori said that she has a history of it, when the

2 "real her" gets cornered she starts to fight. Do you

3 recall having that discussion with Lieutenant Burns?

4 **A. I may have had it with him. I see it, but I don't really**

5 **recall what -- what this is.**

6 Q. Do you recall going off on other staff?

7 **A. No.**

8 Q. Is there a real you that gets -- you know, that goes off

9 when you get cornered when you feel like you have to

10 fight?

11 **A. I would say that in any -- anything, if a person gets**

12 **pushed in a corner too far, their instinct is to come out**

13 **fighting, yes.**

14 Q. I'm asking about you, not other people. Can you answer my

15 question?

16 **A. I would imagine that if I got pushed and pushed and**

17 **pushed, because I'm a pretty calm person, that I may come**

18 **out fighting if I feel like they are attacking me to the**

19 **point where I can't get any type of resolution talking to**

20 **them, others.**

21 Q. Are you saying that you believe that Gilchrist started

22 this investigation on you or somebody else? Do you know

23 who started it?

24 **A. I have no idea who started it. I know he was involved**

25 **with it.**

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1 Q. Okay. It says here that Jessica Fordham, F-O-R-D-H-A-M,

2 had a complaint on you that you referred to Heidi as a

3 bitch. Does that help jar your memory?

4 **A. I never said that she was a bitch that I recall. I don't**

5 **recall this, so -- I have never seen this.**

6 Q. You do not recall being --

7 **A. So far I don't recall seeing it, no.**

8 Q. You may not, but do you recall being investigated for

9 calling Heidi a bitch?

10 **A. I don't recall being investigated for calling somebody**

11 **something, but I know that he was trying to drum up as**

12 **many investigations as he could so that it could go in my**

13 **file.**

14 Q. So you are saying that you believe this was all started by

15 Gilchrist?

16 MR. DREW: Objection, that mischaracterizes her

17 testimony.

18 MS. AMTSBUECHLER: Well, she says he is trying

19 to drum up stuff to go in her file.

20 BY MS. AMTSBUECHLER:

21 Q. Is it your testimony that this 2009 matter that we are

22 talking about was something that Gilchrist drummed up?

23 **A. I don't recall. I just know that he was involved in it,**

24 **and I know that Eric Anderson was the union rep at that**

25 **time and said this is ridiculous.**

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1 Q. I'm sorry, what did you say? A union rep said it's

2 ridiculous, who, what union rep?

3 **A. Yes. Eric Anderson was the union rep at that time, I**

4 **believe, if I'm recalling correctly. I just really don't**

5 **recall what these 17 pages of things -- I don't know if I**

6 **have ever seen it at this point.**

7 Q. So you do recall something, because you recall a union rep

8 being there?

9 **A. Well, yeah, at the end of -- of it, if I'm remembering**

10 **right. There was multiple investigations upon that time,**

11 **so there were a lot of things that were going on.**

12 **Sometimes I was under investigation at three at a time or**

13 **close to three at a time two, sometimes one.**

14 Q. But did you complain about Gilchrist in 2009 being part of

15 an investigation into your alleged misconduct?

16 **A. I probably talked to the lieutenant about it, yes.**

17 Q. And what was your --

18 **A. I don't recall it being misconduct or anything of that**

19 **sort, but I probably -- usually I did talk to Mark about**

20 **anything.**

21 Q. What was your complaint about Gilchrist at that point?

22 **A. Probably was that he was making up these investigations on**

23 **me that were senseless, that I felt were retaliations**

24 **because that I tried to stand up and tell him and make him**

25 **account -- tell people and make him accountable for what**

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1 he had done to me, yes. I had talked to Mark quite a bit.
2 I don't know that I was under investigation when I spoke
3 with him on that type of stuff or whether it was just in
4 common speaking.

5 I had been over it and over it with the
6 lieutenant. In fact, he apologized a couple years prior
7 to me leaving saying that he should have handled it
8 differently.

9 Q. So is it your -- when are you claiming that Gilchrist
10 first assaulted you?

11 A. I believe it was back in 2009.

12 Q. When in 2009?

13 A. I really can't recall the actual month or time. I just
14 know it was -- it had started at that time.

15 Q. How did it start? What was the first thing he did?

16 A. He grabbed my butt as I was walking down, because he
17 always -- he was a new sergeant. He wanted to be able to
18 brief us in the basement of where we had our lunches and
19 stuff, or the fridge was there and microwave, and that's
20 how it started, was him grabbing my butt, and he would
21 hold his -- his clipboard kind of out. There were no
22 cameras there at that time, but receiving was to the back
23 of us, when I was trying to go down the hallway to the
24 front, and go down the stairs and take the elevator down
25 to do the briefing, so that's how it started.

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1 verbal stuff. He would brush up --

2 Q. Did he --

3 A. He would brush up against you and say, oh, I'm sorry, I
4 was just trying to get through here, because he's a quite
5 large man, and so...

6 Q. Did anybody ever hear or see any of that?

7 A. I don't -- to my knowledge, no, but I don't know.

8 Q. Did you know if he ever did anything like this to anybody
9 else?

10 A. Yes, he had done -- he had done, and it was ongoing, and
11 then stopped and ongoing, with one of the deputies there,
12 a female deputy.

13 Q. Who?

14 A. Sherry Ogren.

15 Q. How do you spell her name, please?

16 A. O-G-R-E-N. She quit after 19 years. She said she
17 couldn't take it anymore.

18 Q. Did she tell you that?

19 A. After she was gone, yeah.

20 Q. Do you know where she is now?

21 A. No, I don't. I don't believe she is doing really a whole
22 lot of anything, and I think they moved. She was married,
23 so they moved to a different location from where I knew
24 she was at.

25 Q. Did you see any of this happen to her or do you know it

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1 Q. Did anybody witness that?

2 A. Not that I'm aware of, no.

3 Q. You said this was when he first became your sergeant?

4 A. I'm remembering at that --at that point of him being
5 sergeant starting to initiate that, from what I recall.

6 Q. Did it start when he first became your sergeant?

7 A. I truly can't recall at this moment. I'm sorry. It has
8 been a long day. I just -- I'm sorry, I don't recall.

9 Q. Was he your sergeant when he did this, grabbing your butt,
10 for the first time?

11 A. I just am not -- I'm not sure. I'm not sure if it started
12 just before he got the position and then he got the
13 position. I'm not sure.

14 Q. Did you work with him before this started to happen?

15 A. I had worked with him at -- on some level when he was
16 deputy yet, and we were assigned together on different
17 things and different floors and that type of thing, but --
18 so I did have interaction with him because he was a
19 deputy.

20 Q. During that time did he ever do anything that you
21 considered to be inappropriate?

22 A. Yeah, he had done stuff, what I thought was inappropriate.

23 Q. Like what?

24 A. He would say things about my butt. He would say things
25 about me, just very -- made me very uncomfortable with

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1 because she told you about it?

2 MR. DREW: Counsel, let me --

3 A. She --

4 MR. DREW: Wait a minute, wait a minute.

5 Let me say something on the record. You are
6 getting a bit far afield, and I'm not sure why, but let me
7 say this. I did not object about you asking what this
8 man -- I'm not going to say what I think -- did to her
9 while she was there, because part of her comment about the
10 rape and what had happened to her is relevant, but now
11 when you are asking questions about him doing it to others
12 and how many and things of that nature.

13 So I want to be clear about one thing. We are
14 not going to go up, and then you are going to stop to go
15 to your dinner, and I'm not going to be able to ask
16 questions, and then come back. I --

17 MS. AMTSBUECHLER: No, no. I'm sorry, but no.
18 Look, this is totally relevant. Your client's credibility
19 is very relevant. What she says about what other people,
20 I was going to corroborate it, is extremely relevant. I
21 am going as fast as I can, and I'm already sacrificing my
22 dinner. I have got friends in from out of state who I
23 will never get to see unless I get there, and I am
24 prepared to go through this tonight if I have to. I will
25 text my husband to go ahead without me. I'm not going to

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1 quit. Okay. We are going to go through this as long as
 2 we need to, but you are not going to stop me from asking
 3 questions that I believe are spot on.
 4 MR. DREW: I didn't say I was going to stop you.
 5 What I said was we are not going to up to a point and then
 6 you stop it, and then I don't get to ask my questions.
 7 MS. AMTSBUECHLER: I don't think we have time to
 8 get done today. It's 4:30, and I can tell we are not
 9 going to get done with my questioning in an hour given the
 10 way we are going. So you decide what you want to do. I
 11 am here for the duration.
 12 MR. DREW: I will talk to my client, but if she
 13 wants to end this today so she doesn't have to come back,
 14 then we will finish it today, no matter how long it takes.
 15 MS. AMTSBUECHLER: Because she just said she is
 16 tired and doesn't remember, and I don't want that to be an
 17 issue.
 18 MR. DREW: Well, you have seven hours, and I
 19 understand some of the questions she hasn't answered, but
 20 you have thirty different things to go through. Part of
 21 that gets beyond the reasonableness of seven hours --
 22 MS. AMTSBUECHLER: No, it's not, no, it's not.
 23 MR. DREW: -- with that question as well.
 24 MS. AMTSBUECHLER: You tell me what is
 25 unreasonable about asking who can corroborate what she has

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1 got to say, which is directly relevant to her whole story
 2 here. I mean that's nuts that you are telling me it's not
 3 relevant, and that's not even a reason for an objection.
 4 We are wasting time with this.
 5 MR. DREW: Go ahead. We will be here awhile.
 6 MS. AMTSBUECHLER: Fine.
 7 BY MS. AMTSBUECHLER:
 8 Q. Did Sherry tell you that she was assaulted or harassed or
 9 did you witness it?
 10 A. **I did not witness it.**
 11 Q. Do you know of anyone else who was assaulted or sexually
 12 harassed by Gilchrist?
 13 A. **There were two road officers, and one of them had made the**
 14 **comment to me that she knew exactly where I was coming**
 15 **from because it was happening to her, and then I believe**
 16 **she got scared because she was young and just starting her**
 17 **career and did not want to be blacklisted as an officer.**
 18 Q. Did you see -- I'm sorry, go ahead.
 19 A. **No, that's fine.**
 20 Q. Did you see Gilchrist sexually harass or assault anybody
 21 else?
 22 A. **No, I did not witness him sexually assaulting anybody. I**
 23 **think he was quite keen on how he did it.**
 24 **I do know that Deputy Grillo did say that she**
 25 **was aware, and he knew that he was touching Sherry Ogren,**

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1 **and he kept telling her to say no, and that is another**
 2 **reason I know what was happening to Sherry, because he**
 3 **corroborated that.**
 4 Q. Who is he?
 5 A. **It would be Deputy Grillo. He is no longer there. He was**
 6 **there when Roesler was there.**
 7 Q. How do you spell that name?
 8 A. **G-R-I-L-L-O.**
 9 Q. Okay. All right. So when I started this questioning --
 10 A. **I believe.**
 11 Q. -- I asked you about 2009, and -- well, actually I asked
 12 you when this started with Gilchrist. You said in 2009
 13 grabbed your butt when he was a new sergeant. I think we
 14 clarified you didn't really know if he was a sergeant yet
 15 or not; is that right?
 16 A. **I know that he -- I know that he was a sergeant when it**
 17 **started getting more aggressive, so...**
 18 Q. What happened -- what happened when he started getting
 19 more aggressive?
 20 A. **He followed me. He put his foot in the elevator door. He**
 21 **forcibly tried to kiss me and stick his tongue in my**
 22 **mouth. He reached in my top grabbing my breasts and**
 23 **fondling them while I was trying to pull his hands out**
 24 **begging him not to. Multiple times that happened.**
 25 **Multiple times he shoved his hand down the front of my**

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1 **pants trying to dig his finger up me.**
 2 Q. Okay. Did this get witnessed by anybody?
 3 A. **Not that I am aware of. Back in the old jail, there were**
 4 **just cameras in certain areas of the jail, and of course**
 5 **he was aware of that, so not to my knowledge.**
 6 Q. Where did it happen that he grabbed -- reached his hand in
 7 your shirt and grabbed your breast, where were you when
 8 that happened?
 9 A. **There were multiple times he did it. I was in the**
 10 **elevator once. I was in the -- on the second floor in the**
 11 **west end dayroom, downstairs. He did it again going down**
 12 **from the floor to the main floor, so a lot of places where**
 13 **there weren't cameras, is where he chose to do those**
 14 **things.**
 15 Q. Same thing would be true for putting his hand in your
 16 pants?
 17 A. **Yes.**
 18 Q. This is all in the old jail?
 19 A. **Yes.**
 20 Q. When did you change to the new jail?
 21 A. **Well, it was being built -- I don't recall the dedication**
 22 **to it. I'm sorry.**
 23 Q. I'm sorry, what?
 24 A. **I said I'm sorry, I don't recall the dedication of the new**
 25 **jail, which would have meant we would have been in the new**

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1 jail.

2 Q. Do you recall what year you changed?

3 A. I believe it was 2016, and that is -- for some reason that

4 comes to mind, but I can't plausibly identify that time.

5 Q. How many times did Deputy Gilchrist touch you, your

6 breasts, or put his hands down your pants?

7 MR. DREW: What is the relevance of this?

8 Objection, relevance.

9 MS. AMTSBUECHLER: That's not a basis to object

10 in a deposition. My question stands. I will take an

11 answer.

12 BY MS. AMTSBUECHLER:

13 Q. How many times did this happen?

14 A. What I recall is at least three times of going down my

15 pants, and approximately four, four times down the front

16 of my shirt, and then just multiple times with the

17 grabbing of the butt and probably -- I'm trying to --

18 approximately two to three times with him trying to

19 forcibly kiss me.

20 Q. When did you first complain about this?

21 A. I first complained about it I believe in -- early 2010, or

22 possibly 2010. I'm not sure of the timeframe. I told two

23 sergeants, I told the lieutenant, I told the undersheriff

24 and the sheriff contacted the lieutenant and said I want

25 Lori to see the EEO, so I saw the EEO.

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1 therefore there would be nothing that she could do about

2 it. And so I kept checking back to see if she found the

3 paperwork, and when I did get to speak with her on the

4 times about leaving a message for her, she just kept

5 saying that it had to be lost, that she could not find it.

6 Q. What was her name?

7 A. I don't recall her name.

8 Q. So did you try to talking to somebody else at the EEO

9 office to say that you wanted to pursue it and refile your

10 complaint?

11 A. From what I understand, it was this lady that was interim.

12 When they got Mr. Bracey, I did go to him, and he said I

13 can't find it either, so we will open a new one.

14 Q. That was in 2014, right?

15 A. Yes.

16 Q. Okay. So still back in 2010 timeframe, were you talking

17 to anybody from the sheriff's office about your complaint

18 at that time when you were also talking with Mr. Nash?

19 A. John Jenkins, who was the union rep at that time. He came

20 up with me initially, I believe, and then I kept asking

21 him what I should do.

22 Q. Okay. Who else besides your union rep were you talking to

23 about this complaint in 2010 from the sheriff's office?

24 A. It would have been Sergeant Pabek, Sergeant Wood,

25 Lieutenant Burns.

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1 Q. Who was the sheriff then?

2 A. Sheriff Roesler.

3 Q. And who was the EEO then?

4 A. Mr. Nash.

5 Q. What did you talk about with Mr. Nash?

6 A. I told him what had happened to me with Sergeant

7 Gilchrist. He said it wasn't the first time that he had

8 had his name come up over the years, and that he was

9 definitely going to do a full investigation, and he would

10 be in contact with me, and he asked me if I wanted to do a

11 complaint. I said yes. I signed for the complaint, and

12 he said that he was going to get a list of the employees

13 and would speak with them, and he would be in touch with

14 me.

15 Q. This was in 2010?

16 A. Approximately. I don't know.

17 Q. Did you ever hear from Nash again?

18 A. No. He retired abruptly.

19 Q. Do you know why?

20 A. I have no idea why.

21 Q. Did you hear anything else about the investigation after

22 that?

23 A. I called almost every single day to his female assistant

24 who had taken over in the interim, and she said that they

25 had lost the paperwork, she could not find it, and

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1 Q. It looks like you are thinking. I don't want to interrupt

2 you. Let me know when you are finished.

3 A. No, that's fine. I'm just trying to -- those are the ones

4 that I recall.

5 Q. Okay. Did you give them specifics at that time, that he

6 was sticking his hands down your pants and touching your

7 breasts and grabbing your butt and trying to kiss you?

8 A. Yes, I did.

9 Q. So if Lieutenant Burns is called on to testify, he will

10 say that you told him those things in 2010?

11 A. I don't know if he will say it. That's what I said to

12 him, though --

13 Q. All right.

14 A. -- explained to him.

15 Q. So what happened after that in 2010, did this -- did it

16 just get dropped or did you hear any more about it?

17 A. Apparently it was dropped. I didn't hear any more from

18 the EEO. Mark told me that basically these things happen.

19 You have just got to pull your big girl pants up and go

20 on. So I didn't really get any support from any of the

21 command that I had went to.

22 Sergeant Pabek said, okay, make sure you are

23 documenting and let him do it a few more times, and we

24 will be able to fire him, and that was about as much help

25 as I got from anyone.

60 (Pages 237 to 240)

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<p style="text-align: right;">Page 241</p> <p>1 Q. So this conversation in 2010, Sergeants Pa, what?</p> <p>2 Sergeant Pabek it sounds like you are saying, but I don't</p> <p>3 know who that is.</p> <p>4 A. Yes, Pabek.</p> <p>5 Q. Spell that name, please.</p> <p>6 A. P-A-B-E-K, I believe.</p> <p>7 Q. Okay. And the undersheriff, who was Stout at the time?</p> <p>8 A. The undersheriff would have been, yes, Stout, and because</p> <p>9 Roesler was the sheriff at that time, and that was his</p> <p>10 undersheriff, yes.</p> <p>11 Q. And Burns, you keep referring to somebody by the name of</p> <p>12 Mark. Is that Burns?</p> <p>13 A. Oh, I'm sorry, yes, Lieutenant Mark Burns.</p> <p>14 Q. All right. And was there anybody else that was part of</p> <p>15 the discussion at that time that was from the sheriff's</p> <p>16 office, besides your union rep?</p> <p>17 A. Not that I recall other than those that I named, Sergeant</p> <p>18 Wood, Sergeant Pabek, Lieutenant Burns.</p> <p>19 Q. Okay. And then so the next thing that I see in this,</p> <p>20 about this is in 2014. What happened between 2010 and</p> <p>21 2014? Did this just continue?</p> <p>22 A. I was put under several investigations that were just, I</p> <p>23 called them witch hunts, because I had tried to stand up</p> <p>24 and let them know what he was doing to me. And</p> <p>25 unbeknownst to me he was putting things in my file</p>	<p style="text-align: right;">Page 242</p> <p>1 upstairs trying to set the stage to have all these</p> <p>2 different paperworks in there so they could fire me.</p> <p>3 Q. All right. So what happened with Gilchrist, was he</p> <p>4 continuing to do these things between 2010 and 2014 or did</p> <p>5 he stop at all?</p> <p>6 A. Oh, he quit, because I told a deputy about it, a male</p> <p>7 deputy, so he would wait for me to come in, and he would</p> <p>8 walk me down to there and he would get me to the floor</p> <p>9 that I was working on if he could.</p> <p>10 Q. So are you saying the Gilchrist touching you and the</p> <p>11 things you have talked about stopped after you complained</p> <p>12 in 2010?</p> <p>13 A. No. I'm saying that I talked to a male officer, and he</p> <p>14 said: I will look out for you, Lori. I will wait until</p> <p>15 you get here. We will walk down together. I will try to</p> <p>16 get you to the floor. Then he went on vacation, and</p> <p>17 unbeknownst to me, he asked another male deputy to watch</p> <p>18 out for me, who went to the sergeant and said: I heard</p> <p>19 you are touching Lori. You are going to lose your job if</p> <p>20 you don't stop, so you might want to stop because she will</p> <p>21 take your job from you.</p> <p>22 Q. Who are these two male deputies? Who is the first one</p> <p>23 that was walking with you?</p> <p>24 A. The first one was Deputy Steve Farkas.</p> <p>25 Q. How do you spell that last name, F-A-R-K-A-S?</p>
<p style="text-align: right;">Page 243</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And then who was the other one that went to</p> <p>3 Gilchrist and told him you better cut it out?</p> <p>4 A. Dr. Ivan Morris.</p> <p>5 Q. When was it that Morris told Gilchrist that he needed to</p> <p>6 stop it?</p> <p>7 A. I don't really recall the dates that it was or anything, I</p> <p>8 just know that Steve went on vacation, and unbeknownst to</p> <p>9 me, he had told -- he was the only one I had told at that</p> <p>10 point that was a deputy, that was a co-worker type thing,</p> <p>11 that I explained everything to, and he went on vacation,</p> <p>12 and unbeknownst to me he talked to Deputy Morris, and</p> <p>13 Deputy Morris felt that he should probably warn --</p> <p>14 Q. My question was when, when. What year was this?</p> <p>15 A. I don't recall when, when it was. I'm sorry.</p> <p>16 Q. So was it -- can you say that it was before -- we have got</p> <p>17 a big timeframe between 2010 and 2014. You can't give</p> <p>18 me --</p> <p>19 A. I realize that, and that's what's a little confusing</p> <p>20 because you are going back and forth and back and forth,</p> <p>21 and it's -- it's just causing some anxiety, I guess I</p> <p>22 would say, to answer these, because we are going back and</p> <p>23 forth between years, and it seems like you are asking me</p> <p>24 some of the same, similar questions over again. I don't</p> <p>25 know if you are. It just seems that way.</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. I'm trying to understand what happened between 2010 and</p> <p>2 2014. In 2010 you said you had this conversation with the</p> <p>3 command and with Vern Nash, and then you are telling me</p> <p>4 that at some point you had this officer who walked you,</p> <p>5 and the other officer, Ivan Morris, who told Gilchrist</p> <p>6 that it needed to stop.</p> <p>7 Maybe a better way to ask this would be how long</p> <p>8 after you had the discussion with command and EEO in 2010</p> <p>9 was it that Ivan Morris told Gilchrist to stop?</p> <p>10 A. It was -- I had talked to the command staff prior to that</p> <p>11 and got nowhere, and so I believe that is when that</p> <p>12 happened.</p> <p>13 Q. Let me ask you a different question then. Did Gilchrist</p> <p>14 stop after 2010?</p> <p>15 A. It was sometime between 2010, 2000 -- early 2012 maybe.</p> <p>16 I'm not sure.</p> <p>17 Q. And what happened that caused him to stop in 2012, if you</p> <p>18 know? Was this when the Ivan person told him to stop or</p> <p>19 was something else -- did something else --</p> <p>20 A. It was sometime in between there. I'm not exactly sure</p> <p>21 when, but I believe that's why he stopped. I don't know</p> <p>22 for a fact that's why he stopped, but that's what Steve</p> <p>23 Farkas had told me, and Ivan Morris had told me, that he</p> <p>24 had done that because he didn't think it was right, and he</p> <p>25 was giving him the opportunity to stop.</p>

61 (Pages 241 to 244)

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1 Q. Okay. When you talked to the command staff about this in
2 2010, the people we have talked about earlier, did any of
3 them indicate to you that they were upset with you for
4 bringing forward this complaint?

5 **A. I wouldn't say they said they were upset with it. I just**
6 **didn't think they -- I just think they didn't want to deal**
7 **with it actually.**

8 Q. So when you -- when it was brought up again in 2014, we
9 will talk about that in a minute, we are bringing up the
10 stuff that had happened before 2012; is that right?

11 **A. Yes.**

12 Q. All right. So that's where I did not understand that from
13 what I read before. Now I do.

14 So when you brought it up in 2014, do you recall
15 going to the undersheriff and having a discussion with him
16 in his office?

17 **A. I first went to Sergeant Wood because I was being sexually**
18 **harassed by Deputy Geoghan, physically touching me and**
19 **making noises, sexual noises, and I had had enough, so I**
20 **went to Sergeant Wood, and he said you are going to have**
21 **to go see the undersheriff, so that's how that ended up**
22 **happening.**

23 Q. How do you spell Geoghan for the court reporter? Can you
24 spell that?

25 **A. Oh, I think it's G-E-O-G-H-E-N [sic]. I'm not really**

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1 Q. When you went to tell the undersheriff about this, was
2 that when then Captain Poulin was also in the room?

3 **A. Captain Poulin was never in the room with me.**

4 Q. Not when you were talking to the undersheriff about it?

5 **A. No. He thought he was in the discussion that we had later**
6 **after the last chance letter and stuff, but then I told**
7 **him, no, you weren't in the room, and he says, that's**
8 **right, I think I was coming back from lunch, and I just**
9 **happened to be walking by and hearing part of it, and**
10 **after you got there I spoke with the undersheriff about**
11 **it.**

12 Q. Okay. So what happened after you talked to the
13 undersheriff about Geoghan?

14 **A. He asked me if I wanted to do a complaint, and I said,**
15 **yes, I did, but I wanted to get my facts around, and could**
16 **I come back on -- this was, I believe, a Friday. Could I**
17 **come back on Monday and give him everything that I may**
18 **have or any recounts that I could recall besides what I**
19 **talked to him about, and he told me that he was opening a**
20 **contract on Tuesday. Monday wasn't going to be a good day**
21 **because he had some meetings of some sort, that I could**
22 **get back with him Thursday on it, and I never got the**
23 **opportunity to because I was immediately put under an**
24 **investigation and a second investigation and a third**
25 **investigation, I think, almost all at once.**

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1 **sure.**

2 Q. All right. And when you went to the undersheriff, do you
3 recall what you said?

4 **A. I told him of the whole entire situation from back, and**
5 **what had happened, the retaliation with the different**
6 **things being put into my file and that I just didn't**
7 **feel -- I felt like something needed to be done. I said**
8 **this has happened. It's -- I feel like I'm being treated**
9 **differently. I said because I brought it out, I said I**
10 **have been under a few investigations that I don't think**
11 **were warranted.**

12 **I just need this to stop. I can't have people**
13 **that are sexually assaulting me walk around still being my**
14 **sergeant, still being my training officer, and I can't**
15 **have co-workers being emboldened because I got divorced**
16 **and was a single woman again at that time, for quite**
17 **awhile actually, that they get emboldened and want to grab**
18 **my waist and pull me back into them making grunt noises**
19 **and calling me, you like it, She Nay Nay, also grabbing my**
20 **head and trying to shove it into his crotch and making**
21 **ogling noises such as I was doing something sexual.**

22 Q. Was this Geoghan that was doing this, Geoghan?

23 **A. Geoghan, it's like Geoghan, that's the pronunciation.**

24 Q. Is he the one?

25 **A. Yes.**

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1 Q. Did you document the first day you went in to see the
2 undersheriff?

3 **A. The first time I saw the undersheriff?**

4 Q. Yeah, did you talk about Geoghan, when you first went to
5 complain about it, did you make a record of that?

6 **A. I may have written it down on something, but I didn't -- I**
7 **didn't formally like write something down and give it as a**
8 **complaint at that time because I wasn't able to due to the**
9 **investigations I was under. I was instructed not to speak**
10 **to any other command officer about the investigation,**
11 **other than Sergeant Ridout and Sergeant Gilchrist.**

12 Q. Did you -- do you have a way of pinpointing the date that
13 you first went to the undersheriff in 2014?

14 **A. I may have. Not at this time, that I'm aware of.**

15 Q. What would you look at to find that out?

16 MS. AMTSBUECHLER: We lost her audio.

17 VIDEO TECHNICIAN: We lost her audio. Let's go
18 off the record, 4:56 p.m.

19 (Recess taken at 4:57 p.m.)

20 (Back on the record at 5:09 p.m.)

21 VIDEO TECHNICIAN: And we are back on the
22 record, 5:09 p.m.

23 MS. AMTSBUECHLER: All right. Can you tell us
24 where we left off, Sharon?

25 THE REPORTER: Sure. One second.

62 (Pages 245 to 248)

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1 (The following record was read by the reporter
 2 at 5:09 p.m.
 3 "QUESTION: Do you have a way of pinpointing the
 4 date that you first went to the undersheriff in 2014?
 5 ANSWER: I may have. Not at this time, that I'm
 6 aware of.
 7 QUESTION: What would you look at to find that
 8 out?")
 9 BY MS. AMTSBUECHLER:
 10 Q. All right. Can you answer that question?
 11 A. **No. I really don't know.**
 12 Q. When you went to the undersheriff to complain about
 13 Geoghan, and you may have covered this, but I need to go
 14 back because we've kind of -- I'm a little confused. What
 15 did you -- what was Geoghan doing that you were
 16 complaining about, what specifically was he doing?
 17 A. **He would grab my waist and pull me back and forth into his**
 18 **groin area making sexual noises and saying you know you**
 19 **like it, She Nay Nay.**
 20 Q. How many times did he do that?
 21 A. **Multiple times. Every time he had a chance to.**
 22 Q. Can you give me some idea of what that means?
 23 A. **Probably, my estimate would be at least two a week.**
 24 Q. For how long?
 25 THE REPORTER: Did you say two a week? I

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1 couldn't hear you, Witness.
 2 THE WITNESS: Yes, I said approximately twice a
 3 week.
 4 BY MS. AMTSBUECHLER:
 5 Q. For how long?
 6 A. **Probably almost a year, I am estimating at this point,**
 7 **somewhere approximately between eight months and a year.**
 8 Q. Was this all off areas where there would be no cameras?
 9 A. **Yes, that would be in the receiving area actually, the**
 10 **receiving.**
 11 Q. How long had it been going on before you complained to the
 12 undersheriff?
 13 A. **I had complained to Sergeant Wood several times, with it**
 14 **falling on deaf ears with him. I would say roughly**
 15 **anywhere from six months to ten months.**
 16 Q. After you complained to the undersheriff, did it stop?
 17 A. **No. They retired him out quickly.**
 18 Q. So he was no longer there to do it to you?
 19 A. **Correct, yes.**
 20 Q. When you talked to Sergeant Wood about it, what did he
 21 say?
 22 A. **He just basically shrugged his shoulders and said: Well,**
 23 **there is not really much I can do about it. You know how**
 24 **it is around here.**
 25 Q. Did either the undersheriff or Sergeant Wood -- is it

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1 Woods or Wood? I don't know.
 2 A. **Wood, W-O-O-D.**
 3 Q. Did either of them indicate that they were upset with you
 4 for bringing this forward?
 5 A. **They didn't say, wow, we are really upset with you, no, if**
 6 **that's what you are asking.**
 7 Q. Well, did they give some indication that they were unhappy
 8 with you for bringing it forward?
 9 A. **Well, I believe the undersheriff wasn't really happy to**
 10 **hear it, just by his body language and, you know, well, I**
 11 **can't get with you Monday, and Tuesday we are opening the**
 12 **contract, so by Thursday or Friday, and then he never came**
 13 **to me and said, hey, how come you didn't come back to me**
 14 **or what's going on? He had to know that they had me under**
 15 **three investigations, and one of them said that I could**
 16 **not speak to any other command, other than Sergeant Ridout**
 17 **and Sergeant Gilchrist, so therefore it meant any command,**
 18 **sheriff, undersheriff, sergeant, lieutenant.**
 19 Q. What were the three investigations you were under at that
 20 time?
 21 A. **I think -- I really -- there were like nine of them within**
 22 **ten months, so I know one was about -- I think one was**
 23 **about a Taser incident. The other one was something very,**
 24 **very silly, the one that they said I couldn't speak with**
 25 **anybody except those two individuals about the**

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1 **circumstance, and --**
 2 Q. What was it?
 3 A. **I don't really recall. I would have to look at my notes**
 4 **to see, you know, if I have notes on it. I think I -- I**
 5 **think I gave dates possibly to Mr. Drew. I am not sure.**
 6 **I'm not sure. I would have to really sit down and be able**
 7 **think about which one came first, second, third, fourth,**
 8 **fifth. So I'm sorry, I don't know.**
 9 Q. You told me about a Taser, and I really am trying to
 10 understand what you are talking about. Do you remember
 11 any of the other things that you were being investigated
 12 for in 2014?
 13 A. **They were things that were basically just made up, so I**
 14 **don't -- at this time I don't recall exactly. I would**
 15 **have to be able to sit down and think of each individual**
 16 **lie.**
 17 Q. You received a notice of suspension for the Taser
 18 incident, right? Do you remember?
 19 A. **I think that was a write-up. I don't think it was a**
 20 **suspension. I could be wrong, though, because they were**
 21 **both kind of one right after the other, the one where I**
 22 **was under investigation for allowing an inmate to use**
 23 **their phone in the confines of the jail.**
 24 VIDEO TECHNICIAN: I don't see Mr. Drew, and I
 25 sent him a personal message, and he hasn't replied.

63 (Pages 249 to 252)

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1 MR. DREW: I'm here.
 2 VIDEO TECHNICIAN: Okay. Thank you. Fantastic.
 3 I apologize.
 4 MR. DREW: No problem.
 5 MARKED FOR IDENTIFICATION:
 6 DEPOSITION EXHIBIT 30
 7 5:17 p.m.
 8 BY MS. AMTSBUECHLER:
 9 Q. I put up on the screen Exhibit 30, which is a group of
 10 pages starting at 36-D through 47-D, okay? Do you
 11 recognize that Notice of Suspension Without Pay on the
 12 front page as relating to the group of offenses that you
 13 received?
 14 A. That was the one with the cellular phone, yes.
 15 Q. Is this the one that you said you allowed her to use the
 16 charging cord?
 17 A. I allowed -- her phone was dead, yes, and I allowed her
 18 to -- the prints didn't come over for some reason, so I
 19 was reentering them. Sergeant Wood was aware of it. He
 20 came through and asked what I was doing. I said: She has
 21 no charge at all, and she doesn't know her mom or dad's
 22 phone number. 21 years old, and I didn't want her have to
 23 try to walk all the way from where we are located to clear
 24 out in north Muskegon.
 25 Q. So it's your position -- are you testifying that these --

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1 that charge was not valid?
 2 A. Well, when it was investigated, I told him what had
 3 happened, and he said: Well, I don't have any sound, but
 4 I believe that you were on a group talk. And I said:
 5 There was no bars on there. He said: Well, I really
 6 can't see that, so I'm just going to make the judgement
 7 call that I believe that you were -- she had it on
 8 speakerphone, and you were talking to her as well as
 9 whoever was on the speakerphone. And I said: That is not
 10 what happened.
 11 Q. Page 38-D from Exhibit 30, a July 30, 2014 written
 12 reprimand for the Taser incident. Do you recall receiving
 13 that?
 14 A. Yes.
 15 Q. Okay. And this relates to an incident that occurred on
 16 April 19, 2014. Do you have any reason to dispute that
 17 that was the date of the Taser incident?
 18 A. Not at this time, I don't have any way of knowing, unless
 19 I were to actually go and get my written reprimands and
 20 look at them.
 21 Q. Did you taze that inmate?
 22 A. I did taze an inmate, yes, I did, and Sergeant Wood said
 23 it was a good taze, and we went to court. She waived up
 24 to circuit, and she pled guilty, so --
 25 Q. My question was did you taze her? That was my question.

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1 A. Yes, I did, yes, I did.
 2 Q. Okay. Let's stick with my questions.
 3 Do you dispute the validity of this written
 4 reprimand? Do you believe that you should not have been
 5 reprimanded for tazing her?
 6 A. I do dispute it.
 7 Q. Did you taze her to try to get her to move?
 8 A. She would not move, but I tazed her because of a prior
 9 incident with her, and she -- when I walked up to her,
 10 stay calm, just go in your room, she asked me if she
 11 wanted -- if she wanted to do that a second time.
 12 Q. Why did you taze her?
 13 A. Because at that point I felt that she may engage me. She
 14 had bit me through the skin till it bled. She broke
 15 another officer's hand trying to get her under control,
 16 and -- a couple months prior to that, and I finished out
 17 the -- I called out the taze to Sergeant Wood, and he said
 18 go ahead.
 19 Q. Well, did you taze her to get her to move? That was the
 20 reason you tazed her, isn't it?
 21 A. Not exactly, no. It was the threat that she had stated to
 22 me when I was near her, and she was quite a quick young
 23 lady, wiry, and I just -- between what she said, I didn't
 24 feel comfortable, and she would not budge, and she would
 25 not follow direction after multiple times of asking her.

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1 So I called out, and I said: She will not obey and lock
 2 down. I'm going to taze her. And Sergeant Wood said: Go
 3 ahead.
 4 Q. I think he said okay, right?
 5 A. Okay, go ahead, it was something to the -- to that effect,
 6 that, yes, you may.
 7 Q. That's how you interpreted what he said. Do you know if
 8 he said he thought you had already done it when he said
 9 okay?
 10 A. No.
 11 Q. All right.
 12 A. I hadn't done it. I explicitly said that I was going to
 13 taze her.
 14 Q. Do you recall who investigated the Taser incident?
 15 A. I believe it was Captain Poulin.
 16 Q. Did you believe that he treated you unfairly during that
 17 investigation?
 18 A. Yes, I did.
 19 Q. In what way?
 20 A. In twisting things and saying that there was a policy.
 21 There was not a policy at that time on Tasers. We had had
 22 shotty training on the Tasers. Most of the guys were just
 23 ha-ha and talking and cackling downstairs when we were
 24 supposed to be learning about it, and just come up and
 25 let's see how to shoot, and that was the extent of it.

64 (Pages 253 to 256)

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1 And he said there was a policy. My sergeant,
2 Sergeant Burton-Jones had wrote her team an e-mail stating
3 that there was not a policy at that time, so to be careful
4 and make sure that it was absolutely necessary. I was not
5 on her team at that time, however.

6 Q. Did Captain Poulin at that time say or do anything to
7 cause you to believe that he was discriminating against
8 you or retaliating against you as part of this
9 investigation?

10 A. I believe just the way he spoke, that he was coming after
11 me, even though the sergeant who was on duty said it was a
12 good shoot, and what they did was they gave him a coaching
13 session, and then went after me.

14 Q. Okay. My question -- my question was -- my question was
15 did Captain Poulin say or do anything to you during the
16 course of this investigation that would cause you to think
17 he was discriminating or retaliating?

18 MR. DREW: She was answering your question,
19 Counsel.

20 MS. AMTSBUECHLER: About -- she was talking
21 about -- no, she wasn't.

22 BY MS. AMTSBUECHLER:

23 Q. Did he say or do anything, did Poulin?

24 A. Yes.

25 Q. What did Poulin say?

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1 A. Yes, Sheriff Poulin.

2 Q. What did Poulin say that caused you to think --

3 A. When he talked to me -- when he talked to me, he insisted
4 that this was this and that was that, and that was the way
5 it was going to be, and he was just very, very agitated
6 while he was speaking to me about it, and that's what I
7 took offense to, and that's why I feel that he was coming
8 after me.

9 Q. Did he mention anything about your sexual harassment
10 complaints when you were doing this?

11 A. No.

12 Q. Did he seem to be genuinely upset with the whole -- the
13 fact that you tazed this inmate?

14 A. No.

15 Q. What did he seem to be agitated about, if you know?

16 A. I don't know. I think that he was just on autopilot on --
17 that he was told to do these things, and that he was just
18 going to do them. I -- just the way he talked about it
19 and the way he talked to the union reps, it just was like
20 a hostile thing.

21 Q. How did he talk to the union reps?

22 A. He told them not to advise me on anything and that they
23 weren't to talk to me. They weren't to counsel with me.
24 They were just to sit there.

25 Q. When was that, during what phase of this?

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1 A. I'm going to say the very last time that we met before he
2 did the reprimand.

3 Q. Okay.

4 A. I don't really recall.

5 MARKED FOR IDENTIFICATION:

6 DEPOSITION EXHIBIT 31

7 5:27 p.m.

8 BY MS. AMTSBUECHLER:

9 Q. I put up on the screen, I have got two documents that look
10 similar, 31, this is Exhibit 31. It's Plaintiff's Bates
11 stamp 253, 254, 255. Okay? Is this your complaint form
12 that you filled out?

13 A. If it says that that was the complaint form that I filled
14 out, I would have to agree. That's my handwriting on it.

15 Q. Was it on July 11, 2014 that you filled this out?

16 A. That's what it says.

17 Q. And it's also -- down toward the bottom of this document,
18 again, did you submit it on that date, submit it to the
19 county EEO office on that date?

20 A. If I sent it on that date, then that was the date, yes.

21 Q. Okay. And there is list of witnesses. It says continued,
22 but I don't have another page. Did you submit witnesses?

23 A. Yes, I did submit witnesses.

24 Q. Maybe it's because it's continued from up on this page,
25 page 254, right?

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1 A. I think so.

2 Q. Are these all of the witnesses that you provided to the
3 county EEO?

4 A. Let me just look here. I don't remember what was the top
5 list. I see these.

6 Q. Let me see.

7 A. Yes.

8 Q. So you gave them all the witnesses you knew about at the
9 time; is that right?

10 A. Yes, that I knew about at that time.

11 MARKED FOR IDENTIFICATION:

12 DEPOSITION EXHIBIT 32

13 5:29 p.m.

14 MARKED FOR IDENTIFICATION:

15 DEPOSITION EXHIBIT 33

16 5:29 p.m.

17 BY MS. AMTSBUECHLER:

18 Q. Then I'm going to show you what I have marked as Exhibit
19 Number 33 [sic], which starts out the same, it starts out
20 at Defendants' Bates stamp page 171-D, and it goes through
21 page 180-D, this is Exhibit 32. And I'm just going to
22 kind of quickly go through and ask you, as I am scrolling
23 through, do you recognize that this is your handwriting?

24 A. It is my handwriting.

25 Q. Do you have a recollection without going through and

65 (Pages 257 to 260)

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1 reading all of these that you wrote down statements on
 2 this at different times? I mean tell me how this happened
 3 that all these different statements are here, if you
 4 remember.
 5 **A. I guess just remembering them, and then in 2014, he told**
 6 **me not to put certain things that he couldn't find the**
 7 **first one to the EEO, so he said -- Mr. Bracey guided me**
 8 **on what should be in there, what shouldn't. I was just**
 9 **trying to do the best that I could at recalling the**
 10 **things.**
 11 Q. You said Bracey told you not to put things in there. What
 12 did he tell you not to --
 13 **A. He told me to streamline it. He said streamline it so**
 14 **that it's not -- you know, just get to the meat of the**
 15 **matter of things.**
 16 Q. Okay. So we are back at the top where it starts out.
 17 There is one July 18, 2014. There is Addendum to Original
 18 Complaint. So do you recall writing this out and
 19 providing it to Bracey as an addendum?
 20 **A. Yes.**
 21 Q. Okay. And then we go to, let's see, Bates stamp page
 22 178-D. There is a July 17, 2014 note. Do you recall if
 23 you were writing about something that happened that day or
 24 is this something that you remembered and you were giving
 25 him another note about what happened?

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1 **A. I have no idea.**
 2 Q. So you don't know whether they were involved in making the
 3 decision that Bracey eventually told you about?
 4 **A. No, I don't. I do know that some people were not talked**
 5 **to, they told me, that they were never talked to, and then**
 6 **he came back and said he brought it to the (inaudible) --**
 7 THE REPORTER: Brought it to the what? I'm
 8 sorry. I couldn't hear you.
 9 **A. I think he said he brought it to the commission, the**
 10 **county commission, and he said that there wasn't -- they**
 11 **said there wasn't enough to act on it.**
 12 BY MS. AMTSBUECHLER:
 13 Q. The county Board of Commissioners, do you know?
 14 **A. That's what I recall.**
 15 Q. All right. Do you know if Captain Poulin was involved at
 16 all in this 2014 investigation?
 17 **A. I have no idea.**
 18 Q. Do you know if he knew about it?
 19 **A. I would have to believe he knew about it, because it was**
 20 **with the EEO, so I would assume that he was aware about**
 21 **it.**
 22 Q. The EEO was a separate county department, correct?
 23 **A. I don't know. I didn't even know there was an EEO when**
 24 **they told me to go see the EEO, so --**
 25 Q. The first time you learned about it --

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1 **A. You are moving it too fast. I can't tell what it is.**
 2 Q. Okay.
 3 **A. I don't recall, but apparently that's my writing, so I**
 4 **don't recall.**
 5 Q. Another one, July 21, 2014, is this something that you --
 6 that happened on the 21st or that you are writing about on
 7 the 21st that you recalled happening earlier?
 8 **A. I don't recall it, but if I wrote it, this must be what**
 9 **happened on that day.**
 10 Q. During the time that Bracey was doing this investigation,
 11 how many times did you talk to him?
 12 **A. To who?**
 13 Q. Bracey, from the EEO office.
 14 **A. I don't know the exact amount of times. I know it was**
 15 **more than just a few. It was several times, but I don't**
 16 **remember the exact amount of days that I talked to him**
 17 **about it at times.**
 18 Q. Were you interviewed by anyone else during that
 19 investigation?
 20 **A. During the EEO investigation?**
 21 Q. Yes.
 22 **A. Not that I recall, not with Mr. Bracey. I don't recall.**
 23 Q. Did anybody from the sheriff's department, to your
 24 knowledge, were they involved in the EEO investigation,
 25 other than being asked to be witnesses?

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1 **A. -- I didn't know.**
 2 Q. The first time you learned about the county EEO was in
 3 2010, right?
 4 **A. When I talked to the EEO, that was in two thousand -- I**
 5 **don't recall the date, but anyways, it was the first time**
 6 **with Mr. Nash --**
 7 Q. Rights.
 8 **A. -- and I was told that there was an EEO at that time, and**
 9 **then he left, and then I didn't even know Bracey was there**
 10 **for quite awhile, I mean a couple months at least, and**
 11 **then I realized, so then I went back and said: Listen,**
 12 **they have a file. And he said: Well, let me look. There**
 13 **is a lot of things in boxes and so on. And he said that**
 14 **it must have been lost, just like the lady said that it**
 15 **was lost, because he could not find it. So that I needed**
 16 **to come in and do a new complaint with him.**
 17 Q. Putting up the screen sharing, the October 7, 2014 memo to
 18 you from Tim Bracey, plaintiff -- starting plaintiff's
 19 Bates stamp page 256 through 263. Did you get this memo
 20 from Tim Bracey?
 21 **A. I don't recall, but if it says it was to me, I would have**
 22 **to assume I did get it.**
 23 Q. Did you have an attorney at that time?
 24 **A. The October of 2014? Yes, I did have an attorney at that**
 25 **time.**

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1 Q. Was that Mr. Drew's office?
 2 **A. Yes, it was.**
 3 MARKED FOR IDENTIFICATION:
 4 DEPOSITION EXHIBIT 34
 5 5:38 p.m.
 6 BY MS. AMTSBUECHLER:
 7 Q. Putting up Exhibit 34, which is the 2014 EEOC filing that
 8 you did, there are two pages. One was in October, on
 9 October 8th, one was on November 10th. Do you recall
 10 submitting two separate statements?
 11 **A. I don't recall --**
 12 Q. Go to the --
 13 **A. -- without being able to sit here and read it.**
 14 Q. Okay. There is an October 8 one. Is that your signature
 15 on there?
 16 **A. Yes, it is.**
 17 Q. That's plaintiff's Bates stamp 291. And looking at --
 18 looking at the second paragraph, because I think we have
 19 covered the first paragraph, it says: The verbally
 20 offensive environment by employees continued and in
 21 2013-2014 I was again subjected to physical inappropriate
 22 grabbing, touching and other physically sexually offensive
 23 conduct by the aforementioned Sergeant and a co-worker
 24 Deputy, the last physical incidents occurring in February
 25 2014 and/or May 2014. Do you see that?

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1 **A. Yes, I see it.**
 2 Q. Okay. So are you saying here that the physical conduct by
 3 Gilchrist continued through February and/or May of 2014?
 4 Because that's not really what you said to me earlier
 5 today.
 6 **A. I don't really recall the dates of it. That's when we**
 7 **were going back and forth, so I don't really -- I don't**
 8 **really have an answer.**
 9 Q. The co-worker deputy that we are talking about, is that
 10 Geoghan that we just talked about?
 11 **A. Yeah, Deputy Geoghan, yeah.**
 12 Q. And then you say here that in retaliation for making
 13 complaints about this, you have been subjected to written
 14 disciplinary actions, unpaid suspension in September of
 15 '14. You say one of the management employees that is a
 16 decision-maker on the disciplinary actions is the
 17 aforementioned Sergeant that physically harassed me.
 18 Are we talking about Gilchrist?
 19 **A. Yes.**
 20 Q. What decision did he make?
 21 **A. They said that they had talked to him on the amount of**
 22 **time I should get off for this three-day suspension that**
 23 **ended up being like six days, because something -- he said**
 24 **something to the fact, well, she's on vacation, and then**
 25 **that's her off weekend, so we will do this, and then we**

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1 **will do that.**
 2 **And so I know he was involved with it because I**
 3 **was told that he was involved with it, that they had**
 4 **talked to him and that's how they came about with the date**
 5 **of the suspension.**
 6 Q. Who told you that?
 7 **A. Sergeant Wood.**
 8 Q. Sergeant Wood told you that Gilchrist had input on what
 9 dates you would serve your suspension?
 10 **A. Yeah, that they had spoke about it and came up with the**
 11 **number of days that they said they wanted me to do.**
 12 Q. What other decision-making role do you believe that
 13 Gilchrist had in any of the 2014 discipline?
 14 **A. I think he had decisions in a lot of it or input in a lot**
 15 **of it. He was the interim jail administrator, I believe,**
 16 **at that time.**
 17 THE REPORTER: I couldn't hear what you said.
 18 Sorry. He was the what?
 19 **A. I believe that was at the point where he was the interim**
 20 **jail administrator, I believe.**
 21 BY MS. AMTSBUECHLER:
 22 Q. Other than the fact that you believe he was interim jail
 23 administrator, do you have any reason to believe that he
 24 was a decision-maker in the -- let me rephrase that. Do
 25 you have any factual basis for the belief that he was a

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1 decision-maker on whether you were disciplined or not in
 2 2014?
 3 **A. I felt he was, yes.**
 4 Q. Do you have any facts to support that feeling?
 5 **A. The fact that he was putting things in my file that I**
 6 **wasn't aware of and setting the stage for a dismissal,**
 7 **with these constant investigations because I was given --**
 8 **I was sent a letter by the county because two major**
 9 **incidents had happened within six months, that if I even**
 10 **got a minor incident after that I would be terminated. I**
 11 **would be separated is what it said, I believe, separated**
 12 **from the county as an employee.**
 13 Q. Do you still have that letter?
 14 **A. I probably do.**
 15 Q. Who sent it?
 16 **A. I believe Mr. Drew may have it as well. I don't know for**
 17 **a fact that he does, but...**
 18 Q. Who sent it?
 19 **A. Somebody in HR.**
 20 MR. DREW: What letter is that that she is
 21 talking about?
 22 THE WITNESS: After the two -- when Poulin found
 23 me guilty of the Taser, found me guilty of the phone, the
 24 county HR sent me a letter stating that because I had two
 25 major incidents within six months, that if I had any

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1 other, even minor incidents, that I could be separated or
2 would be separated from the county as an employee, and
3 that was when I -- it was when my husband said --

4 MR. DREW: I just wanted to know -- I just
5 wanted to know what letter that you said I might have. I
6 would have to look for it.

7 THE WITNESS: Yeah, it was a letter from the HR
8 department, and it said that because I had gotten two
9 major incidents within six months, that if I got any other
10 incidents, that I would be separated, something along -- I
11 would be separated as an employee of Muskegon County.

12 MR. DREW: All right.

13 BY MS. AMTSBUECHLER:

14 Q. What did -- what did Gilchrist -- you keep mentioning that
15 he put stuff in your file. What did he put in your file?

16 **A. I have the original file. Dan Stout shredded most of it**
17 **after the fact of that, so I believe Mr. Drew has a copy**
18 **of it. We were able to go up and get that, and they**
19 **allowed us to copy it, so we copied everything in it, and**
20 **then I think it was approximately two days later that Dan**
21 **Stout called me and asked me if I could meet him up on the**
22 **floor. They wanted to talk about my file. I got up**
23 **there, and he was already shredding a few things, and he**
24 **said, you know, we should really go through you guys'**
25 **files. Yours is this thick, and the -- some of the stuff**

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1 allowed to copy part of her file --

2 THE WITNESS: The entire file.

3 MR. DREW: -- at the time, and so I don't know
4 if we have that or not, but I will look, but I think she
5 is saying she was entitled -- or they let her copy her
6 file.

7 MS. AMTSBUECHLER: I just want to know where it
8 is so I can get a copy of it. If you are going to look
9 for it, that would be great, because I don't have that.

10 MR. DREW: I will look for it. All right.

11 THE REPORTER: And I missed the person's name
12 that was doing the shredding.

13 MS. AMTSBUECHLER: Undersheriff Stout,
14 S-T-O-U-T.

15 THE REPORTER: Thank you.

16 BY MS. AMTSBUECHLER:

17 Q. Right?

18 **A. Yeah, correct.**

19 Q. It also says here: In retaliation from making complaints,
20 some officers have also failed to respond to my calls for
21 assistance, further creating a hostile environment -- work
22 environment.

23 Who failed to respond to calls for assistance
24 and when?

25 **A. There were several deputies that were involved in that,**

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1 is outdated, so we should really just get rid of some of
2 it. What do you want to keep? So I kept some things that
3 were -- from what I recall, they were like reviews and,
4 I'm trying to think, a couple letters from outside sources
5 that had been inside the jail that wrote the command on
6 our performance.

7 Q. Okay. My question was what did -- my question was what
8 did Gilchrist --

9 **A. He took several things from there. I don't recall at this**
10 **time because I haven't seen the file in quite -- several**
11 **weeks. I can't tell you when I have actually looked at**
12 **that again, but I do know that he was putting things in**
13 **it, because when we copied it, that's when I realized that**
14 **he was putting things in there that were derogatory, that**
15 **were not true to make it look like I was a bad employee**
16 **and set the stage for termination.**

17 Q. This copy of the file, you said you and your attorney made
18 a copy of file with the sheriff's permission?

19 MR. DREW: I'm going to object.

20 **A. Not my attorney.**

21 MS. AMTSBUECHLER: I'm trying to understand
22 where this file is and what it is. If you could help me,
23 Steve, that would be great, because it would save us some
24 time. What are we talking about here?

25 MR. DREW: I think she is talking about she was

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1 and what actually happened was Sergeant Wood had
2 Lieutenant Burns come in, and they called me in, and they
3 said we believe that the team has turned against you, and
4 they are not taking your calls as -- that that's what they
5 base it on, because they could hear. There were times
6 that Sergeant Wood would say: Would you answer Deputy
7 Johnson? And so then they would answer, but that's how I
8 actually found out that they both felt that I was in a
9 hostile situation and that my team had turned against me,
10 and they were going to move me to Sergeant Jones -- or
11 Burton-Jones, I'm sorry, it's hyphenated, anyways, her
12 married name is Burton, her maiden name is Jones. So I
13 was changed to that team after several years of being with
14 that team because they felt that it was in their best
15 interest to do that because the team had turned against
16 me.

17 Q. Who in particular had turned against you?

18 **A. They said the team. I know that Geoghan had several times**
19 **called me a stupid bitch, and other things of that nature,**
20 **demeaning nature. Lori Lewis had said some demeaning**
21 **things to me, not answering calls.**

22 There were several of them on that team that
23 were doing that, and it was actually brought to my
24 attention by Sergeant Wood and Lieutenant Burns, saying we
25 believe your team, you know, had turned against you.

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1 These things happened sometimes, and we care about --
 2 Q. I just asked you who.
 3 A. Yeah.
 4 Q. When was this?
 5 A. Those are the ones that I recall them doing.
 6 Q. When, when, when, when was it?
 7 A. I would have to look at the paperwork on it. I don't
 8 recall at this time. I know it was when Robert Johnson
 9 was being tried for the murder of a Nexus Realtor.
 10 Q. And this stopped after you got changed to Burton's shift?
 11 A. Sergeant Theresa Burton-Jones or Jones-Burton. I'm sorry.
 12 I think the Burton comes at the end. It's a hyphenated
 13 name.
 14 Q. Did it stop when you went to her shift?
 15 A. Yes. People did answer my calls, and they did answer me
 16 and they did call me, and I answered them, and so, yeah.
 17 It was much better at that point in time.
 18 Q. You said earlier that Amy Borgman was not receptive to you
 19 in some way because she used to be involved with the
 20 prosecutor. What were you talking about there?
 21 A. She was married to Tony Tague, and she felt that
 22 discussing those things with me would be not beneficial to
 23 her as a person. I believed that she may -- she made it
 24 sound like that he -- there would be retaliation against
 25 her, I don't know in what form, but she really didn't --

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1 question?
 2 Q. No. Is there anything else that he has done wrong to you
 3 that we haven't talked about today? Let me make it very
 4 basic.
 5 A. I don't recall at this time.
 6 Q. Do you have any other reason to believe that he -- let me
 7 ask you a better question. Why do you think Sheriff
 8 Poulin would want to retaliate against you?
 9 A. Because of my testimony at the ACLU.
 10 Q. Any other reason?
 11 A. Well, he was probably even more upset when my husband
 12 spoke with him.
 13 Q. You mean the incident in the lobby?
 14 A. Yes.
 15 Q. I'm sorry, did you say yes? I couldn't hear you.
 16 A. Yes.
 17 Q. Any other reason that you think he would want to retaliate
 18 against you?
 19 A. I don't think he liked how I did my job, because it was
 20 always about being too familiar. They are animals. You
 21 shouldn't be that close to that trustee. It was just a
 22 constant, you are too familiar, you are too familiar, and
 23 I -- all I could think was I have never been attacked by
 24 any of the trustees. I have never had them do anything
 25 that was considered not right, I guess I would say, or

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1 wasn't interested in following what I was saying about
 2 what was happening. She was more interested in that I was
 3 a single mother raising a daughter on my own, working
 4 full-time, and her father not being involved with her
 5 life. So that's what she, I think, felt was important. I
 6 just kind of went along with it just so that maybe at some
 7 point in time she would realize that it was her duty to
 8 listen to me as a psychologist and to counsel me on what
 9 had happened to me.
 10 Q. If you thought she wasn't really receptive, why didn't you
 11 go to somebody else?
 12 A. I don't really know why I didn't do -- I just kept
 13 thinking maybe she will handle this. I had a good --
 14 MR. DREW: All right. You have answered it.
 15 Let's try to move on. Just listen to the question and
 16 answer without adding things so we can get done.
 17 A. I don't know why. I don't know why. I don't know why.
 18 BY MS. AMTSBUECHLER:
 19 Q. Do you have any other reason -- let me ask you -- well,
 20 let me ask a different question. Is there anything else
 21 that you believe that now Sheriff Poulin has done to you
 22 that was retaliatory or discriminatory or harassment that
 23 you haven't talked about today?
 24 A. Do I think at any point after I was -- after I was
 25 terminated that he has done anything, is that the

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1 handled myself in any way, so I just really couldn't
 2 understand why they were coming after me like that about
 3 the familiarity.
 4 I was told by other deputies, other people that
 5 they thought it was good how I could handle things and
 6 keep things calm. They would call me up on a floor
 7 because they were having a problem so that I could assist
 8 with getting it under control, because they said I had a
 9 good way of speaking with the inmates and calming them. I
 10 don't believe Sheriff Poulin liked that. I don't believe
 11 that he liked that it was made aware that I was a
 12 Christian and that I would pray for an individual if they
 13 asked me to. I just don't -- I think he wanted a
 14 different type of -- I call it the God syndrome, where
 15 they because they wear that uniform, they are God. I
 16 never felt that way.
 17 Q. Did you ever go to Sheriff Poulin and complain about sex
 18 harassment?
 19 A. Did I ever go to him when he was a sheriff and complain
 20 about it?
 21 Q. Yes, right.
 22 A. Well, I told him about it when we were having that
 23 discussion.
 24 Q. The last day when you were talking about retirement, you
 25 are talking about that, right?

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1 A. No, no, no, no, no. The last -- when -- my thought just
 2 went out the window here.
 3 Q. Let me -- let me back up. I asked you if you ever
 4 complained to Sheriff Poulin about sexual harassment. You
 5 said you had a conversation with him about the Gilchrist
 6 stuff.
 7 A. Yeah, after -- yes.
 8 Q. And then I asked you --
 9 A. I'm talking about when -- when the meeting was supposed to
 10 be and it wasn't, and then he had told my husband, well, I
 11 wasn't in charge then, and my husband said: Well, you are
 12 in charge now. Are you going to do something about it?
 13 So at that point he knew about it. I don't know that the
 14 undersheriff had knew about it until that point because he
 15 was new. He was from a different -- he was a captain in
 16 the township, and so --
 17 Q. Other than --
 18 A. -- he hadn't been there.
 19 Q. Other than the discussion, which it is what it is, did you
 20 go to the sheriff, Sheriff Poulin, and complain about
 21 sexual harassment?
 22 A. He was made aware of it, yes, that complaint that day,
 23 yes.
 24 Q. You are talking about it being the incident in 2014?
 25 A. No, I didn't speak with him in 2014. He wasn't in the

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1 office with the undersheriff then.
 2 Q. When you said --
 3 A. I'm talking about --
 4 Q. Let me ask a question.
 5 A. Go ahead.
 6 Q. When you said he was made aware of it that day, that day
 7 meaning the day after the elevator incident where you had
 8 the discussion in the lobby, is that the day you are
 9 talking about?
 10 A. That is the day I'm talking about.
 11 Q. And when you say he was made aware of it, what are you
 12 talking about?
 13 A. The sexual assault.
 14 Q. Back in -- from Gilchrist?
 15 A. From Gilchrist, yeah.
 16 Q. Did you complain to Sheriff Poulin during the time he was
 17 sheriff about any sexual harassment that occurred while he
 18 was sheriff?
 19 A. Not that I recall, no.
 20 Q. Did you complain to anybody about sexual harassment that
 21 occurred while Sheriff Poulin was sheriff?
 22 A. Not that I -- not that I can recall. I don't recall. I'm
 23 sorry.
 24 THE REPORTER: Laura, can you stop screen
 25 sharing if you are done?

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1 MS. AMTSBUECHLER: Yes. Thank you.
 2 THE REPORTER: Thank you.
 3 MS. AMTSBUECHLER: Sure. Sorry.
 4 BY MS. AMTSBUECHLER:
 5 Q. Did you -- did Sheriff Poulin ever say anything to you
 6 that made you to believe that he didn't think that women
 7 should be corrections officers?
 8 A. He never said anything directly to me about women should
 9 be correction officers, no.
 10 Q. Did he ever say --
 11 A. Not that I recall.
 12 Q. Did he ever say anything that made you think he didn't
 13 think women should be corrections officers?
 14 A. Just the way that I was scrutinized under the scope, and
 15 there were deputies that were male officers doing very
 16 wrong things at the time, and they were never scrutinized
 17 the way that I was.
 18 I was put under a microscope. I was watched. I
 19 was harassed almost every other day by having to go up
 20 there and listen to them about how I was too familiar with
 21 people, how that wasn't good. They were animals. They
 22 could kill me.
 23 Q. What male officers were as familiar as you and were not
 24 talked to, if you know?
 25 A. There were several of them. They were ranging from the

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1 two incidents to on the phone, while they were --
 2 Q. No, no, my question -- that's not my question. What other
 3 male officers were as familiar with the inmates? You said
 4 that the sheriff criticized you for being too familiar.
 5 What male officers were also as familiar and were not
 6 criticized for it?
 7 A. Several of the officers that were in the upper, upper
 8 tier. There were about six of us, Deputy Riddle at the
 9 time; it was Deputy Herman, while he was there; Deputy
 10 Lynn; Deputy Thielbar, who is there now. Those are the
 11 ones that I recall on different things that really should
 12 have been addressed with them that were never addressed,
 13 and they were aware of.
 14 Q. What were they aware of that should have been addressed
 15 and wasn't addressed? Can you give me anything specific?
 16 A. The chew, the way they spoke to inmates, the way they
 17 neglected inmates, the way they put the mute button on
 18 when they would hit -- you have an intercom call in
 19 receiving.
 20 Q. Can you give me any specific example of anything that
 21 anybody did that they knew about, anything specific?
 22 A. They knew about them putting the mute button on. They
 23 knew about them on how they reacted towards inmates that
 24 were asking for things or asking questions, and the
 25 derogatory things that were said back to them. They knew

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1 about the chew. They knew about the phones. They chose
 2 to ignore everything but focus on me, and everything that
 3 I did was scrutinized.
 4 Q. They told people to focus on you? Who was told to focus
 5 on you?
 6 A. I don't -- I don't know that they told them, ma'am. I
 7 didn't say that they actually said look at her. I was
 8 told that they had a sergeant at night watching me and
 9 going over tapes to see if he could find any policy
 10 violations, that's what I was told.
 11 Q. Who told you that?
 12 A. I was told that by the union rep, John Jenkins. I was
 13 told that by a couple of the -- I want to say Sergeant --
 14 Corey Meyers, he is a sergeant now. I was told by
 15 probably, I mean I would estimate it at three to four
 16 people told me that, that knew that that was happening.
 17 Q. So the mute button, who put the mute button on and when?
 18 What are you talking about?
 19 A. The deputies, the male deputies would a lot of times put
 20 mute buttons on so that they didn't have to listen to that
 21 when they were trying to book or do paperwork so that they
 22 didn't have to hear you have an intercom call, you have an
 23 intercom call, you have an intercom call, so it would mute
 24 that. It would put a line across it, and it would just
 25 blink yellow, I believe, and they would mute all of them

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1 with trustees and out in the mix of inmates.
 2 Q. Do you know if command knew --
 3 A. So it wasn't the exact particular time of sitting in the
 4 office.
 5 Q. Do you know if command knew about Lynn doing that?
 6 A. They were aware.
 7 Q. How do you know?
 8 A. Because the lieutenant, at least to the lieutenant area,
 9 they knew.
 10 Q. How do you know?
 11 A. Because Lieutenant Burns and I had talked about it several
 12 times.
 13 Q. So you and Burns talked about the fact that he knew that
 14 other people used their cellphones?
 15 A. He said he knew. I told him. I said: Why am I being
 16 scrutinized like this, and every other minute for just
 17 looking at the time, because I didn't have a watch at the
 18 time? And he said: I know there is other people that do
 19 that, Lori.
 20 Q. When was this conversation?
 21 A. It was sometime in between the thing that happened with
 22 Nate Stephenson calling me those names and prior to that
 23 several times, because I was being scrutinized at that
 24 time for every breath I took. So I had went to him
 25 because I had worked with him for so long and asked him

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1 out.
 2 They put black, thin magnetic type material,
 3 they would cut it, and they would put it over the windows
 4 so that they didn't have to be looked at because they
 5 said --
 6 Q. Let's stick with the -- let's stick with the mute button
 7 for a minute.
 8 A. Okay.
 9 Q. What policy did that violate?
 10 A. I don't know if there was a policy, but it was a duty as
 11 an officer to respond to those call buttons in case there
 12 was an emergency. It would come under doing the job.
 13 Q. The chew, you said women did the chew as well as men?
 14 A. There was one girl that did chew, yes.
 15 Q. Okay. And the cellphones, you have got some video, we
 16 have talked about earlier. Can you give me an example of
 17 somebody else who used their cellphone and was not
 18 disciplined, something specific?
 19 A. Jason -- Jason Thielbar muted his phone out there. I saw
 20 Deputy Lynn out there using his phone, he was not
 21 disciplined --
 22 Q. Those are the two -- hold on a minute.
 23 A. -- to my knowledge.
 24 Q. Those are the two videos we've already talked about?
 25 A. Deputy Lynn also talked outside on his phone while he was

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1 why is it that I am being called up constantly by them
 2 when Lynn and Herman and Thielbar and Smith and several
 3 other male officers were on their phones literally, not
 4 just trying to look at the times. So I was just trying to
 5 get -- I guess trying to talk to him about it so that
 6 maybe he could get an answer from the upper "enchalant,"
 7 which would be the sheriff and the undersheriff, on why
 8 this was happening.
 9 Q. You said you were constantly scrutinized, constantly
 10 called up there. Were there any other times you were
 11 called up or talked to that we haven't talked about today?
 12 A. There were times that I was called up there just to talk
 13 about being too familiar.
 14 There was a time that I was called up at 6:00,
 15 and a complaint had been made by Deputy Pete Nelson. He
 16 was working over, and he witnessed a female deputy having
 17 sexual favors with a trustee, and I was called up because,
 18 as it was, one of my friends was the grandmother of the
 19 two boys of the trustee that this was happening with, and
 20 she had given me the name and the incident, and I know
 21 that Keith was -- Keith did a formal complaint with the
 22 Sergeant Burton, and then Sergeant Burton took it to the
 23 captain, which was Captain Christianson at the time, and
 24 from what I understand from Deputy Nelson, they said she
 25 was a cutter, that they had put her into counseling, that

71 (Pages 281 to 284)

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1 she had to go to counselling, and that she had issues
 2 because she was a single mother of an autistic son.
 3 Q. Okay. Just a few more questions. Have you had any
 4 psychological treatment or psychiatric treatment prior to
 5 Amy Borgman?
 6 A. Psychological treatment prior to what? I'm sorry. The
 7 heater came on.
 8 Q. Have you seen a counselor or a psychologist, a
 9 psychiatrist, anybody like that before Amy Borgman?
 10 A. Yes.
 11 Q. Who?
 12 A. I want to say Dr. Haight. It was when I was in my
 13 twenties.
 14 Q. How do you spell that name?
 15 A. I really don't know. I know it's like H-E-I or I-E-G-H-T.
 16 I'm not sure. I went to him on totally unrelated things.
 17 I wasn't even at the sheriff's department at that time. I
 18 had a boyfriend that was cheating on me, and I went to him
 19 to seek counsel on how to handle it and how to be able to
 20 walk away from that particular thing. So had it nothing
 21 to do with the sheriff's department. It had nothing to do
 22 with really anything other than some guidance on how to
 23 handle something like that.
 24 Q. Any other time you have sought treatment like that?
 25 A. That was the only time that I do recall at this point, is

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1 that one.
 2 Q. Have you ever been sexually assaulted or sexually abused,
 3 other than what you have testified to today that you
 4 believe that Gilchrist and Geoghan did?
 5 A. Sexually assaulted or sexually abused by --
 6 Q. Anyone.
 7 A. Are we talking about work or what are we -- are we talking
 8 about when I was 21, when I was 30? I'm not sure what you
 9 are trying to say.
 10 Q. I'm talking --
 11 MR. DREW: Objection. Wait a minute.
 12 Objection, relevance.
 13 Go ahead.
 14 BY MS. AMTSBUECHLER:
 15 Q. I'm talking about at any time in your life.
 16 A. At any time in my life was I sexually assaulted or
 17 sexually abused by somebody, is that the question?
 18 Q. Yes.
 19 A. No, not -- not in those terms, not in the two terms that
 20 you used.
 21 Q. Were you sexually mistreated by anybody? And I don't want
 22 to -- I don't want to put too fine a point on this.
 23 A. I was not treated very well by my first husband. He was a
 24 Muskegon police officer.
 25 Q. City of Muskegon?

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1 A. City of Muskegon, yeah.
 2 Q. When did you get divorced from him?
 3 A. 2006.
 4 Q. Did you seek treatment at all during that time,
 5 psychological treatment?
 6 A. No. I didn't feel I needed to get psychological treatment
 7 at that point.
 8 Q. Was he physically abusive?
 9 A. Not physically abusive in the ways that I believe that you
 10 are saying, no.
 11 I don't -- I don't understand the relevance of
 12 what my relationship was with my husband, my ex-husband
 13 now for years.
 14 MR. DREW: I have objected to the relevance, but
 15 in a discovery dep sometimes you can go into that.
 16 THE WITNESS: So then I have to answer, correct?
 17 MR. DREW: I'm not instructing you not to
 18 answer, put it that way.
 19 THE WITNESS: Okay.
 20 A. He wanted to do certain things that were quite odd in our
 21 sexual part of the marriage, yes.
 22 MS. AMTSBUECHLER: All right. That's all I
 23 have.
 24 MR. DREW: I had some questions, but I'm going
 25 to use the restroom. You can stay there, Lori. I will be

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1 back in just a second.
 2 VIDEO TECHNICIAN: Off the record 6:16 p.m.
 3 (Recess taken at 6:16 p.m.)
 4 (Back on the record at 6:19 p.m.)
 5 VIDEO TECHNICIAN: We are back on the record,
 6 6:19 p.m.
 7 EXAMINATION
 8 BY MR. DREW:
 9 Q. Lori, the ACLU deposition that you talked about, you gave
 10 testimony in that deposition; is that right?
 11 A. Yes.
 12 Q. And you said that before that deposition Lieutenant Burns
 13 had had some conversations with you, and I think you said
 14 no one else was present at that time; is that right?
 15 A. That is correct.
 16 Q. Had you received the notice of the deposition at that
 17 time, that he talked to you?
 18 A. No, I hadn't received it yet. I think I received it late
 19 after he had stated that.
 20 Q. Do you have any idea as to how he knew that your
 21 deposition was going to be taken?
 22 A. Apparently he had got a list from the ACLU attorney
 23 stating that the girls had asked for me to be subpoenaed
 24 to the deposition to answer questions on how they were
 25 treated.

72 (Pages 285 to 288)

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1 Q. Did he mention anything -- and I guess quickly summarize
2 again what he told you or what you told him.

3 **A. He told me that he -- he wanted me to say that I hadn't**
4 **seen anything, that I hadn't heard anything of that, I**
5 **hadn't secondhand heard anything about the things that**
6 **they had made the complaint about. And I said: I'm not**
7 **going to lie for you, Mark. You have known me for 21**
8 **years. I'm not going to lie to you. I'm not going to lie**
9 **to them. If it's something that I heard or saw or both, I**
10 **am going to tell the truth if it's a direct question. If**
11 **it's a general question, I will answer it accordingly.**

12 Q. Did you meet with an attorney prior to the deposition?

13 **A. Yes, I did.**

14 Q. And then you gave the deposition; is that right?

15 **A. Yes, I did.**

16 Q. Did you answer the questions truthfully?

17 **A. Yes, I did.**

18 Q. Were there questions asked that you feel your answers were
19 not in favor, were the truth, but not in favor of the
20 sheriff's department?

21 **A. Yes, I did.**

22 Q. You mentioned that there was a settlement later that next
23 year; is that right?

24 **A. Yes, to the best of my knowledge, there was a settlement**
25 **sometime in maybe mid to late 2017, like I would say**

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1 **he wasn't -- he hadn't been, you know, inducted into that**
2 **position formally.**

3 Q. And if the settlement was in, as you said, mid to late
4 2017, I'm forgetting when it was, was Poulin, Sheriff
5 Poulin already the sheriff at that time?

6 **A. Oh, I'm sorry. I think I misspoke myself. It was 2017.**
7 **I do know that it was at that time, and then he -- when it**
8 **was settled, he would have been sworn in as the sheriff.**

9 Q. Lieutenant Burns said that to you. Did Sheriff Poulin
10 ever say directly to you he was unhappy with you with your
11 testimony?

12 **A. No, he did not speak with me directly on it.**

13 Q. You were then -- and you have indicated that after that
14 you feel things started happening or more things started
15 happening in retaliation for that because you had
16 testified; is that right?

17 **A. Yes.**

18 Q. And was one of those things the -- being cited and being
19 taken off for the mental, emotional outburst regarding the
20 chaplain?

21 **A. Yes, and the other person, whoever it was.**

22 Q. I'm not going to take you through it, but you have
23 described what happened with the chaplain and how you
24 apologized to him and he had apologized to you, and the
25 two of you had buried the hatchet; is that right?

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1 **somewhere between maybe -- this would be an approximate --**
2 **I would think by July, between July and the end of August**
3 **or the first of September, I believe.**

4 Q. And at that time that the settlement was made, and I think
5 -- was it made public, do you know?

6 **A. I don't believe it was made public. It may have been, you**
7 **know, because I don't know how the -- I had never been in**
8 **a deposition with the ACLU, so I don't know what --**

9 Q. How did you find out that the case had been settled?

10 **A. Lieutenant Burns came to me.**

11 Q. And was that the conversation you talked about earlier?

12 **A. The conversation that he had -- yeah, that he said that**
13 **the sheriff was not very happy with you.**

14 Q. And at that time the sheriff was who, at that time?

15 **A. Sheriff Poulin.**

16 Q. Did -- and so Lieutenant Burns said to you that the
17 sheriff was not happy with you?

18 **A. Yes.**

19 Q. Did you have an understanding about which sheriff he was
20 referring to?

21 **A. Yes. That was right during the time where Roesler had**
22 **lost the election, and then at some point he quit coming**
23 **to work, so they just kind of -- they didn't do the formal**
24 **swearing in until, I believe, January 11th of 2017, I**
25 **believe. So he was like an acting sheriff coming in, but**

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1 **A. Yes, that is correct.**

2 Q. And had that occurred before you were disciplined for
3 that? Had you buried the hatchet before the county
4 disciplined you for this emotional outburst?

5 **A. Yes. We did it within minutes of the exchange of what I**
6 **said to him and he said to me, and I told him that I was**
7 **very sorry and that I would like to apologize to him for**
8 **the words that I used, because it was not something that I**
9 **was proud of saying to a chaplain. And he said: Yes, if**
10 **you will accept my apology, because I know I get -- I feel**
11 **like you guys don't see me, other deputies, and so I tend**
12 **to hit the buzzer a lot, and I shouldn't. I should just**
13 **be patient, and I shouldn't knock on windows and so forth**
14 **with keys and stuff, he said, so I apologize for that.**
15 **And he said: Would you accept my apology? And I said:**
16 **Yes, I would, sir.**

17 Q. And who made -- who made the decision that you should see,
18 if you know, that you should see their psychologist, Dr.
19 Auffrey, regarding your -- these emotional outbursts? Was
20 it somebody from the county or somebody from the sheriff's
21 department?

22 **A. I believe it was the undersheriff and the sheriff made**
23 **that decision.**

24 Q. You did not make that decision to go seek -- go see Dr. --
25 or if he's a doctor -- Psychologist Auffrey; is that

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1 correct?

2 **A. No, I did not make that decision. I told them I have my**
 3 **own psychologist, and if you would like a release of the**
 4 **records, you could. They said they would like you to see**
 5 **their psychologist.**

6 Q. And was that psychologist or person, or one of them, Dr.
 7 Beyer or Beyer?

8 **A. No. They told me that I had to go see Joseph Auffrey, and**
 9 **then he sent the letter, and then they told me at the time**
 10 **of the meetings, stating they were taking me off mentally**
 11 **unfit because of the letter from Dr. Auffrey, that in**
 12 **that, in order to get back and be able to work again, that**
 13 **I had to continue to see my psychologist and that I had to**
 14 **seek out a psychologist due to the fact that Dr. Auffrey**
 15 **had stated in his letter that he felt that I was possibly**
 16 **having tirades because I was on a large amount of**
 17 **barbiturates.**

18 Q. And Auffrey is a psychologist that they sent you to, not a
 19 medical doctor, correct?

20 **A. No, he's just a psychologist.**

21 Q. And who was the psychologist that you were seeing?

22 **A. I was seeing Diane Strang. It's S-T-R-A-N-G.**

23 Q. Dr. Beyer, the medical doctor, felt in no uncertain terms
 24 that you were able to work; is that correct?

25 **A. Yes. He was a psychiatrist. I'm sorry.**

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1 Q. So what kind of things, outbursts did Deputy Nate
 2 Stephenson have and do that you are aware of?

3 **A. He would call -- if they kept hitting the buzzer, he would**
 4 **tell them -- he would say stop hitting the fucking button,**
 5 **you idiot. He called the girls bitches and told them they**
 6 **weren't getting anything, they weren't getting anything**
 7 **more from him, and that -- he yelled at them on other**
 8 **occasions for asking the same question over and over**
 9 **again. What are you, F'ing stupid, which he said fucking**
 10 **stupid. You need to just fucking stop right now. I'm**
 11 **done hearing it. I'm going to put you in the rubber room**
 12 **if you don't, different things like that, and he would --**
 13 **he would be yelling. It was in receiving where these**
 14 **things happened.**

15 Q. So he would be yelling it emotionally?

16 **A. Yes, very emotionally, like loud yelling.**

17 Q. Louder -- if you compare how he was yelling loudly, how
 18 would it compare to how you talked to the chaplain that
 19 time?

20 **A. Like a hundred times more, but he was yelling it,**
 21 **obviously because there is noise in the receiving area,**
 22 **and he is yelling at them through the door in holding**
 23 **where they were, so he was yelling at them loud enough so**
 24 **that they can hear through the door what he is saying.**

25 Q. Was he yelling -- I think you answered. Was he yelling

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1 Q. From your understanding, did Dr. Beyer feel in no
 2 uncertain terms that you were able to work during this
 3 entire course of time?

4 **A. That is what he told me when I met with him.**

5 Q. Were you aware of male officers that would have what they
 6 are determining you as a female, emotional outbursts, that
 7 were bad or worse of the kind of thing they were accusing
 8 you of?

9 **A. Yes.**

10 Q. Can you give us some examples? And I'm going to ask you
 11 did management know about any of these, and if you know,
 12 then you can indicate that just to save some time. So
 13 what men had emotional outbursts that management knew
 14 about?

15 **A. Nate Stephenson had, Deputy Jared Herman. I should put**
 16 **deputy in front of all of them, they were deputies.**
 17 **Deputy Thielbar.**

18 Q. And that's three -- go ahead.

19 **A. Yes. That's the ones I recall right off the top of my**
 20 **head.**

21 Q. And all three of these were deputies in the corrections
 22 just like you were?

23 **A. Yes.**

24 Q. But these are men?

25 **A. They are men, yeah.**

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1 it, in your judgement, was he yelling it in a way that
 2 this was an outburst as well?

3 **A. I believed so, because I think that he was just stressed**
 4 **out with all the -- everything that goes on in receiving**
 5 **and all the noise on top of the intercom button. There**
 6 **would be people who were maybe not mentally all there, and**
 7 **then they would yell to another person, and they would go**
 8 **back and forth, and there was just a lot of noise levels**
 9 **there, so I could see the stress when he was screaming and**
 10 **yelling at them about it.**

11 Q. So this type of stress was similar to your stress reacting
 12 to the chaplain?

13 **A. Yes.**

14 Q. Did management know about Stephenson's yelling and
 15 outbursts?

16 **A. Yes.**

17 Q. What --

18 **A. Sergeant Wood had witnessed it, Sergeant Wood had**
 19 **witnessed it, and Sergeant Matt Smith had witnessed it.**
 20 **Those are the --**

21 Q. Sergeant who?

22 **A. Sergeant Matt Smith. He's the jail administrator now, and**
 23 **Sergeant Wood.**

24 Q. Sergeant Wood and Sergeant Matt Smith witnessed it?

25 **A. Yes.**

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1 Q. And staying with Stephenson, had Lieutenant Burns ever
 2 witnessed -- well, let me ask you something first. When
 3 you say they witnessed it, did you directly witness what
 4 you talked about with --
 5 **A. Yes, I directly witnessed them, yes.**
 6 Q. And the profanity that Stephenson was using?
 7 **A. Yes.**
 8 Q. Did you witness that? And are you saying --
 9 **A. Yes, I did witness that.**
 10 Q. Are you saying that Sergeant Wood and Sergeant Matt Smith
 11 were there to hear it when you did it, the times you
 12 witnessed it?
 13 **A. They were in the receiving area. I would have to believe**
 14 **they heard it, as loud as he was speaking and yelling.**
 15 Q. Why do you say that?
 16 **A. I would have to believe that.**
 17 Q. How far away were you, how far away were they?
 18 **A. Well, I was sitting probably only four feet from him, and**
 19 **they were walking through different areas of the bookings**
 20 **quite large, the booking area where we book is quite**
 21 **confined. There is nothing around us except that open**
 22 **desk and two swing doors, so they were in the area of the**
 23 **receiving where I would have to believe that at the level**
 24 **he was yelling at these people, with the outbursts that he**
 25 **was having, calling them different things, that they had**

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1 **A. He -- they would be yelling back on forth, the inmates**
 2 **would, from one pod to the other cell. There were single**
 3 **cells, there were -- I think the men had twenty-four,**
 4 **twenty-eight. There were nine people in certain cells, so**
 5 **they had different size cells, and they would get yelling**
 6 **back and forth, whether they were drunk or whether they**
 7 **were just not quite there, or coming off of drugs, and he**
 8 **would go: (Indiscernible noise) Will you dumb fuckers**
 9 **just shut up? I'm so sick of hearing your ignorant asses.**
 10 **Just shut up. And that would be one of the things that he**
 11 **would do when there was a commotion like that.**
 12 Q. You mentioned -- anything else that you would hear that
 13 Thielbar would say or do?
 14 **A. He would say like you stupid bitches quit hitting that --**
 15 **that buzzer or I'm just going to just shut it off and**
 16 **nobody is getting out tonight. So if you are waiting for**
 17 **a release, you're not getting out. You need to fucking**
 18 **stop. So he would say things like that as well, calling**
 19 **the females inmates bitches and that they needed to F'ing**
 20 **stop or he was going to make sure that they didn't get out**
 21 **because the paperwork got lost.**
 22 Q. Were these things yelled emotionally?
 23 **A. Yeah, he would yell. He would just -- all of a sudden it**
 24 **was just -- all of a sudden it was just -- all of a sudden**
 25 **he would go (indiscernible noise), and then he would just**

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1 **to have heard it. I didn't ask them, hey, did you hear**
 2 **that, but I would have to believe they heard it.**
 3 Q. Have you been in the area you saw them in the area, and as
 4 loud as Stephenson was talking, would you have been able
 5 to hear it from the area they were in?
 6 **A. Yes.**
 7 Q. What about Lieutenant Burns, was he ever in the area that
 8 you directly recall when Stephenson was using profanity
 9 and having the outbursts?
 10 **A. Yes, Lieutenant Burns had been through the area different**
 11 **times when these outbursts would arise, and it was just**
 12 **like, I don't know, he just went on his -- went about his**
 13 **stuff, didn't really say anything. Nobody ever really**
 14 **said anything to them for the way that they screamed and**
 15 **yelled at people.**
 16 Q. So as far as you know, Deputy Stephenson was never
 17 suspended, reprimanded or written reprimand for emotional
 18 outbursts?
 19 **A. Not that I'm aware of.**
 20 Q. Anything else -- and this -- give me a timeframe for this.
 21 Is this all what you identified with Stephenson, was this
 22 all after you testified in the ACLU case?
 23 **A. Yes.**
 24 Q. You mentioned Deputy Jason Thielbar. What -- would he
 25 have emotional outbursts? And if so, describe those.

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1 **start yelling at them, and then when he got done, he was**
 2 **done, and sometimes the girls would still ring the buzzer.**
 3 Q. Were these done with just the females or males as well?
 4 **A. He did males as well. It wasn't just females, but it was**
 5 **more the females that he called bitches. The other ones**
 6 **he would just tell them to stop. He was going to cut**
 7 **the -- cut them off, and he just yelled profanities toward**
 8 **them, to -- you know, fucking, you need to stop, you need**
 9 **to stop. I have other people to deal with. You need to**
 10 **F'ing stop, and this was kind of a --**
 11 Q. Were these those that you viewed yourself as well,
 12 firsthand, would Deputy --
 13 **A. Did management view it?**
 14 Q. No, I'm asking -- were these incidents that you talked
 15 about things you have viewed firsthand?
 16 **A. Yes. I was working in the receiving with them.**
 17 Q. Did management, which is sergeants on up, were they
 18 present during any of these that you viewed?
 19 **A. There were sergeants that would walk through and hear at**
 20 **different points in times of these individuals screaming**
 21 **obscurities and shut up and everything else under the sun,**
 22 **bitches, everything. And it just was like it fell upon**
 23 **deaf ears, I felt, because it was like there was no**
 24 **reaction, like what are you doing? Why are you screaming**
 25 **like that? You know, that's not appropriate.**

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1 Q. And who in management, sergeant on up, did you see be in a
2 position to hear and see these outbursts by Thielbar?
3 **A. Who would be in fear?**
4 Q. No, who would have seen it --
5 **A. Oh, again, there were several sergeants that would walk**
6 **through. Sometimes it was sergeant -- it would be**
7 **Sergeant Griswold. It would be Sergeant Smith. It would**
8 **be the lieutenant at times.**
9 Q. What lieutenant?
10 **A. Lieutenant -- Lieutenant Burns.**
11 Q. And these sergeants and lieutenants would be there and
12 physically see and hear these profanity and outbursts --
13 **A. They would be.**
14 Q. Let me finish -- outbursts by Thielbar?
15 **A. Yeah.**
16 Q. What did you say?
17 **A. Yes, yes.**
18 Q. Are you aware of them ever reprimanding, suspending
19 these -- or Deputy Thielbar for any of these outbursts?
20 **A. No, I'm not aware of any actions to curve his behavior.**
21 Q. You mentioned Sergeant Matt Smith. Have you seen him or
22 been there when he made any emotional outbursts?
23 **A. In Master Control at one point --**
24 Q. I'm sorry, let me ask you one question before I move
25 there.

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1 Q. What inappropriate things -- first of all, was he saying
2 it in a loud, yelling emotional voice, Sergeant Smith?
3 **A. He just said: You can -- he said: You can fucking leave**
4 **anytime. If you don't like how we do shit around here,**
5 **you can just fucking leave and quit being a crying bitch**
6 **about it. He said: Why don't you just leave if you are**
7 **going to act like this? You are always -- you are always**
8 **crying like a girl. You are crying and whining and**
9 **bitching because you didn't get picked as a sergeant.**
10 **There is a reason why you didn't get picked for a**
11 **sergeant.**
12 Q. Was that said emotionally?
13 **A. It was said emotionally, yes, I mean it was emotionally**
14 **charged by both. I mean it got emotionally charged first**
15 **by the sergeant, and then I could feel the tension in the**
16 **emotional charge from the officer trying to explain and**
17 **say, hey, you don't got to go this far, Man. You don't**
18 **got to be calling me names and stuff, you know. I'm**
19 **just --**
20 Q. Was this -- go ahead. Was this done in front of people?
21 Where was this again?
22 **A. This was in Master Control.**
23 Q. And was this after your testimony?
24 **A. Yes.**
25 Q. When do you think this was, time wise? We have got -- you

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1 **A. Yes.**
2 Q. The incidents with Deputy Thielbar, were these also after
3 you testified in the case?
4 **A. Yes.**
5 Q. Now, Matthew Smith, did you see him do any emotional
6 outbursts?
7 **A. Yes. He was talking to one of the deputies, and the**
8 **deputy was razzing him. He was -- I could tell that he**
9 **was kidding, and so could one other person that spoke**
10 **about it, and he got very belligerent. There is a railing**
11 **that's made out of pipe in the Master Control, and he was**
12 **beating on it, and he was telling the deputy that if he**
13 **didn't like the way things were run that he could just**
14 **quit, he could walk out, or he could get his papers ready,**
15 **and that he was tired of hearing him cry about not being**
16 **promoted as a sergeant, and that if he didn't like how the**
17 **things were handled and how the command staff was awarded**
18 **things, then he had the choice to leave or he could make**
19 **sure he left. And that deputy kept trying to say I was**
20 **just joking, you know. I was just ripping you. I don't**
21 **know why you are getting like this, and he got louder and**
22 **said more things to him that were not appropriate, I don't**
23 **think, for a sergeant to act like.**
24 Q. Were you there?
25 **A. I was there, yes.**

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1 know, you went off work in late 2017, I think, and came
2 back in 2018, February, I think --
3 **A. Right.**
4 Q. -- for the emotional outburst. So when was that? Was it
5 before or after that?
6 **A. It was after I came back.**
7 Q. Okay. And were there -- other than you, were there other
8 people around?
9 **A. There were other people in the Master Control at that**
10 **time. I don't recall exactly who. For some reason a**
11 **deputy's name comes to mind, but it would be --**
12 Q. But this was done not just --
13 **A. -- an opinion.**
14 Q. There were more than -- I mean you were there, and who was
15 the deputy?
16 **A. The deputy was Deputy Lane. We were switching shifts, so**
17 **there were people in there because they were being**
18 **assigned there, and we were trying to brief, and then this**
19 **occurs.**
20 Q. Did you say Lane, L-A-N-E or Lang, L-A-N-G?
21 **A. Yes, L-A-N-E. Jamal is his first name. I believe that's**
22 **J-A-M-A-L.**
23 Q. So this was an outburst to another employee, not an
24 inmate?
25 **A. Right.**

76 (Pages 301 to 304)

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- 1 Q. Do you know if Sergeant Smith was ever suspended,
2 reprimanded in writing, or otherwise for this emotional
3 outburst?
- 4 **A. Not that I'm aware of, no.**
- 5 Q. You mentioned that he used profanity. How -- was it just
6 one time or how many times during this outburst did he use
7 profanity?
- 8 **A. Several times, about every couple words there would be the**
9 **F or the -- you know, why are you being a bitch. You are**
10 **just a whiny ass bitch. Just if you don't like how we do**
11 **things, you can leave or I can make sure you leave, which**
12 **to me was threatening. Like, you know, I mean that was**
13 **like, well, is he physically going to make him leave, or**
14 **was he going to charge him with something to get him**
15 **fired? I didn't know what that meant, but to me it was**
16 **hostile and uncalled for.**
- 17 Q. You mentioned pounding -- or you mentioned a railing.
18 What was his physical, his being Sergeant Smith's physical
19 actions during this time that he was yelling?
- 20 **A. He pounded on it. He pounded on it, and it makes a hollow**
21 **noise because it's just -- it is hollow. It is just a**
22 **handrail made out of metal, and when you pound on it, it**
23 **just has this -- just this sound of really just going**
24 **through something, you know, like a pound that wasn't**
25 **muffled or anything. It was just -- it kind of radiated**

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- 1 **A. No. No one did because they were afraid because he was a**
2 **sergeant, that it was just kind of like a good old boy**
3 **hookup, so whatever they did was okay, and then you would**
4 **be on what we call the wheel of misfortune, they used to**
5 **call it, you will be on the wheel of misfortune if you did**
6 **that, which meant you will be under scrutiny.**
- 7 Q. Did you report the outburst of Nate Stephenson or Deputy
8 Thielbar, and if not, why not?
- 9 **A. No, because I had already been retaliated against multiple**
10 **times, and I just felt like the command was there, they**
11 **heard it. No one else tried to report it either because**
12 **they were scared for their jobs.**
- 13 Q. Have you -- strike that.
14 You were also, I guess, criticized for the
15 comments you made about the tape, the rape comment and
16 that type of thing, almost rape. Are you aware of any
17 situations where male officers have said things against
18 other officers and nothing has happened?
- 19 **A. Yes.**
- 20 Q. Can you give some -- and are these things that you are
21 aware of after you came back from the -- in 2018, up until
22 when you were discharged?
- 23 **A. Yes.**
- 24 Q. What type of examples do you have about that?
- 25 **A. Well, one -- one comment was made that they hoped that the**

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- 1 **through, it guess is the best way to explain it, is the**
2 **pipe kind of radiated through that.**
- 3 Q. Did you -- anything else about this outburst that you
4 remember that you think is important that we haven't
5 talked about?
- 6 **A. Not that I can recall. It was quite a -- it was a good --**
7 **it seemed like it was a good three to five minutes**
8 **approximately, and it just was a lot of -- he was very**
9 **loud, very yelling, never stopped yelling really, and then**
10 **Jamal, he started to try to explain --**
- 11 Q. When you say he, who do you mean?
- 12 **A. Pardon me?**
- 13 Q. When you say he, who do you mean?
- 14 **A. Sergeant Smith was yelling throughout the entire thing,**
15 **and he was getting louder and louder because Deputy Lane**
16 **was trying to explain his situation, that look, Man, I was**
17 **just kidding. You don't got to get all like that. Come**
18 **on, Man. What's wrong with you, Matt? And he called him**
19 **by his first name instead of Sergeant Smith, because they**
20 **had worked together prior for some time prior to that, so**
21 **they were familiar with each other, and --**
- 22 Q. Did you report that --
- 23 **A. -- he called him Matt.**
- 24 Q. Did you report that incident to anybody higher up or
25 anything like that?

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- 1 **deputy died. One was made about how drunk the one gets**
2 **and maybe he could get in an accident and kill somebody or**
3 **kill himself.**
- 4 Q. I'm sorry. Okay. You said that there was one about a
5 deputy dying?
- 6 **A. They said why don't you just do us all a favor and die,**
7 **something very similar to that. And then the other one**
8 **was --**
- 9 Q. Let's stay on that. Yeah, go ahead, what was the other
10 one?
- 11 **A. The other one was where they said that they hoped that --**
12 **they were so drunk all the time, they hoped that they got**
13 **in an accident and either killed their selves or killed**
14 **somebody else and went away to prison.**
- 15 Q. Okay. Let's start with the first one. This is one
16 officer of the Muskegon County Sheriff's Department
17 talking about do us a favor and die and talking about
18 another officer of the department?
- 19 **A. Yes.**
- 20 Q. Give me more detail. What are you talking about? Give me
21 the context, give me the names, if you remember.
- 22 **A. The names that I remember were Deputy Thielbar and**
23 **Sergeant Smith.**
- 24 Q. This is just about the one about do us a favor and die,
25 who are you talking about?

77 (Pages 305 to 308)

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1 A. The do us a favor and die?
 2 Q. Yes.
 3 A. That was directed at, I believe, Deputy Harrison.
 4 Q. By who?
 5 A. By another deputy, a co-worker.
 6 Q. Okay. Who was that co-worker?
 7 A. Nate Stephenson.
 8 Q. So did you hear this comment or did you hear that it was
 9 made?
 10 A. I heard that it was made on that particular one, because
 11 the deputy spoke about it.
 12 Q. What deputy spoke about it?
 13 A. Deputy Harrison spoke about it.
 14 Q. Deputy Harrison?
 15 A. Yes.
 16 Q. Okay. And did he speak about it either to you or where
 17 you were so you could hear him speaking about it?
 18 A. He was directing the conversation to me. There were -- I
 19 believe there was another person there at the time, and I
 20 just said, you know, Darrell, I don't know what to say.
 21 Q. What was he saying? What was Deputy Harrison saying?
 22 A. He said that -- you know, they were in a disagreement,
 23 and the guy popped off and said, which was Nate, and said
 24 why don't you just do us a favor and die? And he said it
 25 just kind of threw him aback, you know, that another

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1 laundry girls to lie.
 2 Q. You mentioned somebody talking about I hope he gets drunk
 3 and ends up getting killed or something like that. Can
 4 you give us some detail about that, what you are referring
 5 to?
 6 A. Yes. It was about Corey Meyers, and Corey had went on to
 7 be a sergeant, so it was about him, because Deputy Herman,
 8 I believe it was, was mad at him for something, and that's
 9 when he stated as drunk as he gets, maybe he can get drunk
 10 enough to where he drives and either kills himself or
 11 kills somebody else or both. He said: I'm so sick of
 12 him, and I just -- it would just be a world of favor,
 13 something to that extent, if that's what happened to him.
 14 Q. And that was one Muskegon County deputy talking about
 15 another Muskegon County deputy?
 16 A. Yes.
 17 Q. And was it -- are you indicating you believe it was Herman
 18 talking about Meyers or who, or vice versa, or what?
 19 A. I believe it was Corey. Corey does drink, and I believe
 20 Herman and him had some type of disagreement, and that was
 21 said, not in front of Corey, but behind his back.
 22 Q. Okay. How did you learn of that? Did you hear it
 23 directly, did somebody tell you, or what?
 24 A. I heard that one.
 25 Q. From who?

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1 co-worker would say something that horrid, you know. I
 2 mean that probably wasn't his word, but that was the word
 3 that came to my mind as I was hearing that.
 4 Q. Okay. Just so we know, both Nate Stephenson and Harrison
 5 are males; is that right?
 6 A. Yes, they are.
 7 Q. Are you aware of Stephenson being disciplined at all,
 8 written reprimanded, suspended, any type of discipline,
 9 termination or anything for saying that about a fellow
 10 officer?
 11 A. No, not that I'm aware of.
 12 Q. You mentioned -- and when in the context of that did you
 13 hear about that or talk -- did Harrison mention it, if you
 14 can give me a general time reference?
 15 A. I would estimate, from my just estimate of time, it was
 16 within a day of it happening. It could have been the same
 17 day, but I know it was within just -- if it wasn't that
 18 same day, it was just within like a day.
 19 Q. And do you remember what year or how long had you been
 20 back to work when this happened or a reference that way?
 21 A. I had -- I had been back to work at that point in time,
 22 and I was -- excuse me, I have a frog in my throat. I was
 23 back from being taken off for mentally unfit, and I was
 24 back from the investigation, where they thought I was
 25 bringing drugs into the facility and tried to get the

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1 A. I was in the area that it was being said, so I could
 2 actually hear what was being said.
 3 Q. Oh, you heard it. Okay. You were in the area and you
 4 heard it being said?
 5 A. Yes.
 6 Q. And you heard it being said by Deputy Herman?
 7 A. Yes.
 8 Q. Were you able to see him or did you know his voice or
 9 what?
 10 A. I knew his voice.
 11 Q. Do you know one way or the other, and if you don't, fine,
 12 whether Deputy Meyers ended up hearing of those
 13 statements?
 14 A. I don't know if he heard of those things or not.
 15 Q. Do you know who Deputy Herman was talking to when he made
 16 those statements?
 17 A. I don't -- I don't recall. I am sorry, I don't recall.
 18 Q. But he was talking to somebody --
 19 A. (Inaudible).
 20 Q. -- he wasn't just saying it nobody --
 21 A. Yeah.
 22 Q. -- to a wall?
 23 A. No. He wasn't talking to a wall. He was talking to a
 24 deputy that he was working with.
 25 THE VIDEOGRAPHER: Lori, please make sure you

78 (Pages 309 to 312)

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1 wait until he finishes the question. Thank you.
 2 THE WITNESS: I'm sorry.
 3 BY MR. DREW:
 4 Q. Do you know one way or the other whether that came to
 5 management's attention, sergeant or above, those
 6 statements?
 7 **A. I don't know of any, no.**
 8 Q. Any other comments like that where one deputy is talking
 9 about -- or one employee is talking about, you know,
 10 harming another employee or things of that nature that you
 11 can recall at this time?
 12 **A. Not at this time. I'm sure there were other times. I**
 13 **just -- I don't recall at this time.**
 14 MR. DREW: Could you -- Reporter, I'm forgetting
 15 what exhibit it was, Dr. Beyer's handwritten notes that
 16 was an exhibit. I would like to pull that exhibit up.
 17 THE VIDEOGRAPHER: I would need to know the
 18 number.
 19 MR. DREW: Laura, do you remember the number? I
 20 think it was Exhibit, was 20 or 21?
 21 THE WITNESS: It was in the early 20s. I
 22 thought it was 21 or 23 maybe.
 23 MR. DREW: I think it was 21. Is that the
 24 handwritten notes that's about twenty-something pages? It
 25 has numbers, Bates numbers in the lower right-hand corner.

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1 stamp numbers at the bottom, which will make it easier for
 2 me to go to it. So you saw this doctor while you were
 3 off, while you were taken off by Auffrey for the emotional
 4 outburst; is that right, Lori?
 5 MS. AMTSBUECHLER: Objection to the form of the
 6 question.
 7 **A. Yeah, they told me I had to see a psychiatrist before I**
 8 **could come back.**
 9 BY MR. DREW:
 10 Q. Go to Bates stamp page 7 at the bottom. Is that up? It's
 11 a lot of handwritten notes.
 12 THE VIDEOGRAPHER: Can you see it?
 13 BY MR. DREW:
 14 Q. Can you see that? Anyway, I have a bigger copy, and the
 15 notes seem to say -- there was a quote, "You are a piece
 16 of shit and won't ever be anything else, that you told
 17 him, why don't you just end it." Do you recall telling
 18 the doctor about that comment? Assume I read it right.
 19 **A. Now that -- now that that is said, I do recall saying it.**
 20 Q. Who did that, was that somebody that said something or was
 21 that something that was said to you?
 22 **A. I'm trying to recall. From what I recall, it was said to**
 23 **me.**
 24 Q. Do you remember who it was said to you by?
 25 **A. I believe it was Deputy Herman that stated that, I**

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1 THE WITNESS: What's on the screen? Is it that?
 2 I don't know what number it is.
 3 MR. DREW: I'm sorry?
 4 MS. AMTSBUECHLER: Wait. How much longer are
 5 you planning on going?
 6 MR. DREW: About 15 minutes.
 7 MS. AMTSBUECHLER: Okay. I mean I'm just
 8 feeling bad for the court reporter. I mean I am here for
 9 the duration, but I don't -- it's really not fair to have
 10 her keep going. Are you doing okay, Sharon?
 11 THE REPORTER: Oh, you can hear me. I'm not
 12 muted. You know, I am getting very fatigued. It's been a
 13 long day. If it's 15 minutes, I think that's fine.
 14 MS. AMTSBUECHLER: All right. Let me try to
 15 find the exhibit. Let me see.
 16 THE REPORTER: Yeah, I am trying to search for
 17 it too.
 18 THE VIDEOGRAPHER: I put it on. Can you see it?
 19 Is this the one?
 20 THE WITNESS: Sheriff Poulin is what I see.
 21 Just a minute.
 22 MS. AMTSBUECHLER: Exhibit 26.
 23 MR. DREW: Right. I just found it.
 24 BY MR. DREW:
 25 Q. Okay. I'm going to refer to the pages at the -- the Bates

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1 **believe. It has been some time since that, but I -- that**
 2 **comes to mind.**
 3 MS. AMTSBUECHLER: What are you reading there?
 4 I don't see this.
 5 MR. DREW: I'm reading -- it's up a little
 6 higher, right there. The paragraph that says ACLU to
 7 testify on behalf, verbal abuse, et cetera, then quote,
 8 "you are a piece of shit," right there.
 9 **A. Okay. So --**
 10 BY MR. DREW:
 11 Q. All right. Moving on, you saw Dr. Beyer, and he
 12 absolutely felt that you had been able to return to work;
 13 is that right, and work?
 14 **A. Yes, that's what I was told by him. He also stated that**
 15 **my mental was fine, that he didn't see anything wrong with**
 16 **it, and that I had not exhibited any type of tirades or**
 17 **anything that Dr. Auffrey had stated, and that it was**
 18 **improper for Dr. Auffrey to talk about meds because only**
 19 **psychiatrists can talk about it, a person's meds or**
 20 **prescribe them, psychologists cannot.**
 21 Q. You were mentioning about inmates they would not answer or
 22 put the call buttons on mute. Is that a violation of
 23 policy?
 24 **A. I believe it would be because of conduct, because of the**
 25 **fact that some of those people may have needed life or**

79 (Pages 313 to 316)

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1 death help, such as the gentleman who died on April 4th.
 2 Q. What was that, what do you mean?
 3 A. There was an inmate that was going through withdrawals,
 4 and they were not giving him his Klonopin, and they put
 5 the sheet of black -- like magnetic stuff over it, and
 6 they muted his button, and it came out with TV 8, I
 7 believe, they came out with a full version of the tape,
 8 because the sheriff had said that they were having
 9 trouble, the IT department was having trouble. So I'm not
 10 exactly sure how it happened, but you could see him, and
 11 the reporter said that he had seized multiple times, I
 12 can't exactly remember how many throughout the night, and
 13 there was only one officer that lifted it just enough --
 14 the black thing just enough you could see it on the video
 15 to kind of say that he peeked in there, but not really,
 16 and so...
 17 Q. So he muted the call buttons and put something over the
 18 window?
 19 A. Yeah, they would mute the call button, and then they would
 20 put this -- it's a thin like magnetic strip, and it
 21 couldn't just stick to the window, it had to stick to the
 22 metal of the door, so that there was no way really to
 23 visually see in. I mean they could have moved the camera
 24 to that spot to watch, but they wouldn't be able to
 25 visually be able to see him, and they had him, I believe

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1 A. I misspoke myself.
 2 Q. All right. The paragraph was in consideration of this
 3 agreement you hereby release the employer, and the Union,
 4 their agents and employees, from all claims, damages,
 5 liability, related to, arising from, toughing upon, or
 6 concerning your employment or the negotiation or execution
 7 of this agreement. Did I read that paragraph right as you
 8 remember it?
 9 A. Yes, that's correct.
 10 Q. And I won't pull it up to save some time.
 11 A. Yes.
 12 Q. And --
 13 A. That's it.
 14 Q. And when you -- I'm sorry, go ahead.
 15 A. That was number 11. I just wanted to clarify that I had
 16 misspoke myself earlier for just a moment. I said, I'm
 17 sorry, it wasn't 9. It was 11.
 18 Q. Well, I read what was in paragraph 9.
 19 A. I believe you read number 11.
 20 Q. Well --
 21 A. I'm not -- I'm tired right now, Mr. Drew. I'm sorry.
 22 Q. I'm looking at Exhibit 15, okay?
 23 A. Okay.
 24 Q. That's paragraph 9 in that exhibit that I read.
 25 A. Okay. Then it was 9. I'm sorry. There were 11 total.

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1 at that time in a suicide gown. So it's very imperative
 2 that we be able to see the people who are down there for
 3 being potentially suicidal, to be able to physically view
 4 them so that they cannot hurt their selves during that
 5 time.
 6 Q. Were these males -- were these male officers that had done
 7 that?
 8 A. Yes.
 9 Q. Would this be a violation of policy, and do you know if
 10 they were reprimanded? Someone died. Were they
 11 reprimanded for it, do you know?
 12 A. I know that they are being sued, so but to my knowledge,
 13 nobody has been reprimanded for that at all.
 14 MS. AMTSBUECHLER: Foundation.
 15 BY MR. DREW:
 16 Q. You were advised when they had the last chance that if you
 17 did not sign that, you would be terminated; is that right?
 18 A. Yes.
 19 Q. And who advised you of that?
 20 MS. AMTSBUECHLER: Asked and answered.
 21 A. It was Ed Fox, Ed Fox, the undersheriff, and I believe the
 22 sheriff stated it too.
 23 BY MR. DREW:
 24 Q. And the paragraph that you had a problem with, you called
 25 at 9, and then at other times you called at 11.

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1 It was 9.
 2 Q. At that time did you feel that you were still being
 3 retaliated against because you had testified in the
 4 inmate -- female inmates' case?
 5 A. Yes, I did feel that. I felt that they were just trying
 6 to take all of my rights away, my civil rights from
 7 before, during, or to the end of my career, that I could
 8 not discuss or bring up any misconduct by any officer,
 9 unbecoming conduct in the officer, whether it be past,
 10 present, or future is the way I understood it when I read
 11 it, signed when I read it.
 12 Q. As you understood it then, you would be giving up any
 13 claim you may have had about how they were retaliating
 14 against you if you signed this --
 15 MS. AMTSBUECHLER: Objection to foundation.
 16 Q. -- if that continued; is that right?
 17 MS. AMTSBUECHLER: Objection to foundation.
 18 BY MR. DREW:
 19 Q. Well, let me -- you felt that you would be giving up any
 20 claim you had to the retaliation for having testified in
 21 all of the things that they had been doing to you up to
 22 that point; is that right?
 23 A. Yes, that is correct.
 24 Q. And do you still feel that way reading that language, of
 25 you are releasing them from all claims, touching upon, or

80 (Pages 317 to 320)

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1 any liability related to, arising from, touching upon, or
 2 concerning your employment?
 3 **A. Yes, I still believe that today.**
 4 MR. DREW: That's all I have.
 5 MS. AMTSBUECHLER: Did you say you are finished?
 6 MR. DREW: I said I'm finished with questioning
 7 her at this point, yes.
 8 MS. AMTSBUECHLER: Okay.
 9 RE-EXAMINATION
 10 BY MS. AMTSBUECHLER:
 11 Q. Just a question on this doctor's note about the quote,
 12 about quote, "you are a piece of shit and you won't ever
 13 be anything else, why don't you just end it," it looks
 14 like it is -- they are talking about your ACLU testimony.
 15 Is that something that you were telling -- saying that you
 16 testified that other people said to the inmates?
 17 **A. No. I'm not really sure. I -- it could have been -- I**
 18 **didn't really -- I wasn't able to do it real thoroughly,**
 19 **and it's really hard to read some of his notes that you**
 20 **had pulled up, so I'm not really sure if it was something**
 21 **they had said to me or something they had said to one of**
 22 **the females. I'm just not -- I'm not sure.**
 23 Q. Who said it?
 24 **A. At this point I don't recall. I'm sorry.**
 25 Q. So you were asked a lot of questions about things that

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1 have happened after your testimony in the ACLU hearing.
 2 Would you agree that Sheriff Roesler was the sheriff from
 3 October of '16 through at least November of '17 when the
 4 new sheriff was elected, although he had not officially
 5 taken office yet?
 6 **A. The -- Sheriff Roesler had taken off prior to actually**
 7 **losing, and so I'm not quite sure --**
 8 MS. AMTSBUECHLER: All right. Okay. I don't
 9 have anything else.
 10 **A. -- what you are asking? Sorry.**
 11 MR. DREW: We are done.
 12 VIDEO TECHNICIAN: Thank you. That concludes
 13 the deposition of Lori Heethuis. We are off the record,
 14 7:23 p.m.
 15 (The deposition was concluded at 7:23 p.m.)
 16
 17
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 23
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 25

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1 STATE OF MICHIGAN)
 2) SS
 3 COUNTY OF WAYNE)
 4
 5 I certify that this transcript, consisting of 323
 6 pages, is a complete, true, and correct record of the
 7 testimony of, LORI LYNN HEETHUIS was remotely sworn to tell
 8 the truth.
 9 I also certify that prior to taking this
 10 deposition, LORI LYNN HEETHUIS was remotely sworn to tell
 11 the truth.
 12 I also certify that I am not a relative or
 13 employee of or an attorney for a party, nor a
 14 relative or employee of an attorney for a party, nor
 15 financially interested in the aforementioned action.
 16
 17
 18
 19
 20
 21 
 22 Sharon Bayerl, CSR 3406
 23 Notary Public,
 24 Wayne County, Michigan.
 25 My Commission expires: June 9, 2025



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